



California Regulatory Notice Register

REGISTER 2008, NO. 33-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

AUGUST 15, 2008

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

CALIFORNIA REGULATORY NOTICE REGISTER (USPS 002-931), (ISSN 1041-2654) is published weekly by the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339. The Register is printed by Barclays, a subsidiary of West, a Thomson Reuters Business, and is offered by subscription for \$302.00 (annual price). To order or make changes to current subscriptions, please call (800) 888-3600. "Periodicals Postage Paid in Saint Paul, MN." **POSTMASTER:** Send address changes to the: CALIFORNIA REGULATORY NOTICE REGISTER, Barclays, a subsidiary of West, a Thomson Reuters Business, P.O. Box 2006, San Francisco, CA 94126. The Register can also be accessed at <http://www.oal.ca.gov>.

PROPOSED ACTION ON REGULATIONS

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TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303 and 87304 of the Government Code to review proposed conflict of interest codes, will review the proposed/amended conflict of interest code of the following:

CSAC EXCESS INSURANCE AUTHORITY

A written comment period has been established commencing on **August 15, 2008** and closing on **September 29, 2008**. Written comments should be directed to the Fair Political Practices Commission, Attention Tara Stock, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict of interest code will be submitted to the Commission's Executive Director for his review; unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code will be submitted to the Commission for review.

The Executive Director of the Commission will review the above-referenced conflict of interest code, proposed pursuant to Government Code Section 87300, which designates, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director of the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code. Any written comments must be received no later than **September 29, 2008**. If a

public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission, as the code reviewing body for the above conflict of interest codes, shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to Tara Stock, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

Copies of the proposed conflict of interest codes may be obtained from the Commission or the respective agency. Requests for copies from the Commission should be made to Tara Stock, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 2. STATE ALLOCATION BOARD

NOTICE OF PROPOSED REGULATORY ACTION

THE STATE ALLOCATION BOARD PROPOSES TO ADOPT REGULATION SECTION 1859.184.1, AND AMEND REGULATION SECTIONS 1859.2, 1859.103 AND 1859.184, ALONG WITH AN ASSOCIATED FORM, TITLE 2. CALIFORNIA CODE OF REGULATIONS, RELATING TO LEROY F. GREENE SCHOOL FACILITIES ACT OF 1998

NOTICE IS HEREBY GIVEN that the State Allocation Board (SAB) proposes to adopt and amend the above-referenced regulation sections, along with an associated form, contained in Title 2, California Code of Regulations (CCR). A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Office of Public School Construction (OPSC) no later than 15 days prior to the close of the written comment period. Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, the OPSC, at its own motion or at the instance of any interested person, may adopt the proposals substantially as set forth above without further notice.

AUTHORITY AND REFERENCE CITATIONS

The SAB is proposing to adopt and amend the above-referenced regulation sections under the authority provided by Section 17070.35 of the Education Code. The proposals interpret and make specific reference to Sections 17070.63, 17072.12, 17077.40 and 17079.20 of the Education Code.

INFORMATIVE DIGEST/POLICY OVERVIEW STATEMENT

The Leroy F. Greene School Facilities Act of 1998 established, through Senate Bill 50, Chapter 407, Statutes of 1998, the School Facility Program (SFP). The SFP provides a per-pupil grant amount to qualifying school districts for purposes of constructing school facilities and modernizing existing school facilities. The SAB adopted regulations to implement the Leroy F. Greene School Facilities Act of 1998, which were approved by the Office of Administrative Law and filed with the Secretary of State on October 8, 1999.

The SAB, at its June 25, 2008 meeting, amended the SFP regulations to permit financial hardship school districts in the Overcrowding Relief Grant (ORG) Program to obtain advance site acquisition funding in order to acquire sites through condemnation proceedings. Without this regulatory amendment, financial hardship districts may lack the funds for an advance deposit required before the courts will issue orders for condemnation, thereby failing to demonstrate ownership of the site for purposes of SFP funding.

The proposed amendments also clarify the requirement for the project description to demonstrate that the project relieves overcrowding, and add additional application submittal dates (July 31, 2009 and January 29, 2010) for future funding cycles.

The proposed regulatory changes are summarized as follows:

Existing Regulation Section 1859.2 represents a set of defined words and terms used exclusively for these regulations. The proposed amendment adds the definition of "Resolution of Necessity," that requires a school board resolution to acquire property by eminent domain in compliance with the California Code of Civil Procedure Section 1245.230.

Existing Regulation Section 1859.103 specifies how school districts may apply savings from completed SFP projects, but that the grants for ORG projects are limited to eligible expenditures. The proposed amendments create an exception to this limitation upon ORG Program projects as set forth in proposed new Regulation Section 1859.184.1.

Existing Regulation Section 1859.184 specifies the submittal and apportionment process for school districts applying for funding under the ORG Program. The proposed amendments add additional application submittal dates (July 31, 2009 and January 29, 2010) for future funding cycles, and clarify the requirement to demonstrate that the project will relieve overcrowding by increasing useable outdoor space for uses such as play areas, green space, or outdoor lunch areas.

Proposed adoption of Regulation Section 1859.184.1 sets forth the application process for school districts with financial hardship approval under the ORG Program. It includes the criteria for a complete application, determination of site acquisition funding for condemnation actions, and the limitation that no over-apportionment of site acquisition funds for condemnation may be applied as "savings" to construction related costs for purposes of Regulation Section 1859.103.

Form SAB 50-05, *Fund Release Authorization*, is the application by school districts for the release of SFP apportionments for their projects upon compliance with specified criteria. The proposed amendments permit the advance release of site acquisition funds pursuant to Regulation Section 1859.184.1.

IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Executive Officer of the SAB has determined that the proposed regulations do not impose a mandate or a mandate requiring reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. It will not require local agencies or school districts to incur additional costs in order to comply with the proposed regulations.

ECONOMIC IMPACT

The Executive Officer of the SAB has assessed the potential for significant adverse economic impact on businesses or private persons that might result from the proposed regulatory action and the following determinations have been made relative to the required statutory categories:

- The SAB has made an initial determination that there will be no significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.
- There will be no impact in the creation or elimination of jobs within the State, the creation of new businesses or the elimination of existing businesses or the expansion of businesses in California.
- The SAB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- There will be no non-discretionary costs or savings to local agencies.
- There will be no costs to school districts except for the required district contribution toward each project as stipulated in statute.
- There will be no costs or savings in federal funding to the State.
- There are no costs or savings to any State agency.
- The SAB has made an initial determination that there will be no impact on housing costs.

EFFECT ON SMALL BUSINESSES

It has been determined that the adoption of the regulation sections will not affect small businesses in the ways identified in subsections (a)(1)–(4) of Section 4, Title 1, CCR. These regulations only apply to school districts for purposes of funding school facility projects.

SUBMISSION OF COMMENTS, DOCUMENTS AND ADDITIONAL INFORMATION

Any interested person may present statements, arguments or contentions, in writing, submitted via U.S. mail, e-mail or fax, relevant to the proposed regulatory action. Written comments submitted via U.S. mail, e-mail or fax must be received at the OPSC no later than September 29, 2008, at 5:00 p.m. The express terms of the proposed regulations as well as the Initial Statement of Reasons are available to the public.

Written comments, submitted via U.S. mail, e-mail or fax, regarding the proposed regulatory action, requests for a copy of the proposed regulatory action or the Initial Statement of Reasons, and questions concerning the substance of the proposed regulatory action should be addressed to:

Robert Young, Regulations
Coordinator

Mailing Address: Office of Public School
Construction
1130 K Street, Suite 400
Sacramento, CA 95814

E-mail Address: robert.young@dgs.ca.gov

Fax No.: (916) 445-5526

AGENCY CONTACT PERSONS

General or substantive questions regarding this Notice of Proposed Regulatory Action may be directed to Robert Young at (916) 445-0083. If Mr. Young is unavailable, these questions may be directed to the backup contact person, Lisa Jones, Supervisor, Regulations Team, at (916) 322-1043.

ADOPTION OF REGULATIONS

Please note that, following the public comment period, the SAB may adopt the regulations substantially as proposed in this notice or with modifications, which are sufficiently related to the originally proposed text and notice of proposed regulatory activity. If modifications are made, the modified text with the changes clearly indicated will be made available to the public for at least 15 days prior to the date on which the SAB adopts the regulations.

The modified regulation(s) will be made available and provided to: all persons who testified at and who submitted written comments at the public hearing, all persons who submitted written comments during the public comment period, and all persons who requested

notification from the agency of the availability of such changes. Requests for copies of any modified regulation should be addressed to the agency's regulation coordinator identified above. The SAB will accept written comments on the modified regulations during the 15-day period.

SUBSTANTIAL CHANGES WILL REQUIRE A NEW NOTICE

If, after receiving comments, the SAB intends to adopt the regulations with modifications not sufficiently related to the original text, the modified text will not be adopted without complying anew with the notice requirements of the Administrative Procedure Act.

RULEMAKING FILE

Pursuant to Government Code Section 11347.3, the SAB is maintaining a rulemaking file for the proposed regulatory action. The file currently contains:

1. A copy of the text of the regulations for which the adoption is proposed in strikeout/underline.
2. A copy of this notice.
3. A copy of the Initial Statement of Reasons for the proposed adoption.
4. The factual information upon which the SAB is relying in proposing the adoption.

As data and other factual information, studies, reports or written comments are received, they will be added to the rulemaking file. The file is available for public inspection at the OPSC during normal working hours. Items 1 through 3 are also available on the OPSC Internet Web site at: <http://www.opsc.dgs.ca.gov> under "Regulations," then click on "Proposed Regulations."

ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the SAB must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the SAB would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the

agency's regulation coordinator named in this notice or may be accessed on the Web site listed above.

TITLE 5. STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

NOTICE OF PROPOSED RULEMAKING AMENDMENT TO CALIFORNIA CODE OF REGULATIONS, TITLE 5, REGARDING STATE PRESCHOOL PROGRAM — ENROLLMENT PRIORITIES

[Notice published August 15, 2008]

NOTICE IS HEREBY GIVEN that the State Superintendent of Public Instruction (SSPI) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

PUBLIC HEARING

California Department of Education (CDE) staff, on behalf of the SSPI, will hold a public hearing beginning at **10:00: a.m. on October 3, 2008**, at 1430 N Street, Room 2102, Sacramento, California. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The SSPI requests, but does not require, that persons who make oral comments at the public hearing also submit a written summary of their statements. No oral statements will be accepted subsequent to this public hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to:

Debra Strain, Regulations Coordinator
LEGAL DIVISION
California Department of Education
1430 N Street, Room 5319
Sacramento, CA 95814

Comments may also be submitted by facsimile (FAX) at 916-319-0155 or by e-mail to regcom-ments@cde.ca.gov. Comments must be received by the Regulations Coordinator prior to **5:00 p.m. on October 3, 2008**.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public hearing and considering all timely and relevant comments received, the SSPI may

adopt the proposed regulations substantially as described in this Notice or may modify the proposed regulations if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified regulation will be available for 15 days prior to its adoption from the Regulations Coordinator and will be mailed to those persons who submit written comments related to this regulation, or who provide oral testimony at the public hearing, or who have requested notification of any changes to the proposed regulations.

AUTHORITY AND REFERENCE

Authority: Section 8261, Education Code.

References: Sections 8208, 8235, 8236, 8263 and 56443, Education Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Many Child Development Division (CDD) early education contractors partner with Head Start grantees to braid the two programs to provide full-day, full-year services to families. But Head Start and state preschool eligibility criteria and enrollment priorities are different. For example, Head Start income eligibility is set at the federal poverty level (\$20,650 for a family of four), and state preschool income eligibility is set at 75% of the state median income (\$50,256 for a family of four). While the overwhelming majority of Head Start income-eligible children are also eligible for state preschool programs, enrollment priorities for otherwise eligible children often make it difficult to match children with full-day, full-year openings. This problem has been exacerbated by the implementation of the Centralized Eligibility List (CEL) in each of the 58 counties in 2005. The CEL system was created by an act of the State Legislature (Education Code section 8227) in 2005. In each county the CEL acts as an eligibility list for all children needing state subsidized child care. State child care contractors must use the CEL to fill open child care slots. The creation of the CELs has created unintended problems for state and Head Start agencies partnering to provide full-day, full-year services to children by enrolling them in their two part-day programs to create a full day. Head Start, a federal program, is not required to utilize the CEL. Prior to the implementation of the CELs, local state preschool contractors and Head Start grantees were able to enroll children for this full-day option from a smaller and select eligibility pool of eligible children (e.g. those children who had been referred to the grantee and contractor, or had been recruited by the programs' outreach campaigns, which might publi-

cize their full-day option). Now, with the new CEL requirements, local programs have been required to select from a much larger group of children, many of whom do not want or need full-day care, making the enrollment criteria "match" that much more difficult.

To strategize how to deal with these problems, the CDD brought together a workgroup of CEL administrators, State preschool contractors, and Head Start grantees in April 2007 to make recommendations on how to reduce barriers to provision of the full-day services families need. The recommendations of that workgroup are reflected in these regulatory changes.

The purpose of these regulations is to change state preschool enrollment criteria specified in section 18131 to reflect a change made to statute in 1991, (California *Education Code (EC)* section 8236), and the granting of priority status for certain populations when two or more families have the same income ranking, (*EC* section 8263(b)(2)). These regulations also address enrollment priorities and clarify the use of the CEL pursuant to *EC* section 8227 for children eligible for both state preschool and federal Head Start programs when those children are in need of full-day, full-year services.

The proposed regulations update the priorities for service based on the changes to *EC* section 8263 and address enrollment of eligible children into full-day, full-year Head Start-State Preschool collaboratives.

These regulations amend the enrollment priorities for State Preschool Programs, and add a section regarding collaborative full-day services.

DISCLOSURES REGARDING THE PROPOSED ACTION

The SSPI has made the following initial determinations:

Mandate on local agencies and school districts: None

Cost or savings to any state agency: None

Costs to any local agencies or school districts for which reimbursement would be required pursuant to Part 7 (commencing with section 17500) of division 4 of the Government Code: None

Other non-discretionary costs or savings imposed on local educational agencies: None

Costs or savings in federal funding to the state: None

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None

Cost impacts on a representative private person or businesses: The SSPI is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Adoption of these regulations will not 1) create or eliminate jobs within California; 2) create new businesses or eliminate existing businesses within California; or 3) affect the expansion of businesses currently doing business within California.

Effect on housing costs: None

Effect on small businesses: The proposed amendments to the regulations do not have a significant effect on small businesses as these regulations only address the priorities for enrolling pupils in the preschool programs.

CONSIDERATION OF ALTERNATIVES

The SSPI must determine that no reasonable alternative he considered or that has otherwise been identified and brought to his attention, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

The SSPI invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the content of this regulation should be directed to:

Michael Zito, Child Development Consultant
Child Development Division
California Department of Education
1430 N Street, 3rd Floor
Sacramento, CA 95814
Telephone: 916-323-9727
E-Mail: mzito@cde.ca.gov

Inquiries concerning the regulatory process may be directed to the Regulations Coordinator or Connie Diaz, Regulations Analyst, at 916-319-0860.

INITIAL STATEMENT OF REASONS AND INFORMATION

The SSPI has prepared an Initial Statement of Reasons for the proposed regulation and has available all the information upon which the proposal is based.

TEXT OF PROPOSED REGULATION AND CORRESPONDING DOCUMENTS

Copies of the exact language of the proposed regulation, the Initial Statement of Reasons, and all of the in-

formation upon which the proposal is based, may be obtained upon request from the Regulations Coordinator. These documents may also be viewed and downloaded from the CDE's Web site at <http://www.cde.ca.gov/re/lr/rr/>.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the Regulations Coordinator.

You may obtain a copy of the Final Statement of Reasons once it has been prepared, by making a written request to the Regulations Coordinator.

REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

Pursuant to the *Rehabilitation Act of 1973*, the *Americans with Disabilities Act of 1990*, and the *Unruh Civil Rights Act*, any individual with a disability who requires reasonable accommodation to attend or participate in a public hearing on proposed regulations, may request assistance by contacting Michael Zito, Child Development Division, 1430 N Street, 3rd Floor, Sacramento, CA, 95814; telephone, 916-323-9727. It is recommended that assistance be requested at least two weeks prior to the hearing.

TITLE 10. DEPARTMENT OF INSURANCE

STATE OF CALIFORNIA
DEPARTMENT OF INSURANCE
45 Fremont Street, 21st Floor
San Francisco, California 94105

REG-2008-00006

August 15, 2008

NOTICE OF PROPOSED ACTION AND NOTICE OF PUBLIC HEARING REGARDING LOW COST AUTOMOBILE INSURANCE PLAN OF OPERATIONS

SUBJECT OF HEARING

California Insurance Commissioner Steve Poizner will hold a public hearing to consider revisions to the California Low Cost Automobile ("CLCA") Insurance

Plan of Operations. The purpose of the revisions is to update the Plan of Operations to make the Plan consistent with existing rules and policies. The CLCA Plan of Operations is approved by the Commissioner and incorporated by reference within California Code of Regulations, Title 10, Chapter 5, Section 2498.6.

AUTHORITY AND REFERENCE

The Insurance Commissioner proposes changes to the California Automobile Insurance Low Cost Program Plan of Operations, referenced in Title 10, Chapter 5, Subchapter 3, Article 8, Section 2498.6 of the California Code of Regulations, pursuant to the authority vested in him by California Insurance Code Sections 11620, 11624, 11629.7 and 11629.79. The purpose of these amendments is to implement, interpret, and make specific the provisions of California Insurance Code Sections 1734, 11623.5, 11624.08, 11629.7, and 11629.79.

HEARING DATE AND LOCATION

Notice is hereby given that a public hearing will be held to permit all interested persons the opportunity to present statements or arguments, orally or in writing, with respect to the proposed regulations at the following date, time, and place:

Date and Time: October 24, 2008
10:00 a.m.
Location: 45 Fremont Street
22nd Floor Hearing Room
San Francisco, California 94105

ACCESS TO HEARING ROOM

The facilities to be used for the public hearing are accessible to persons with mobility impairments. Persons with sight or hearing impairments are requested to notify the contact person (listed below) for this hearing in order to make special arrangements, if necessary.

WRITTEN AND/OR ORAL COMMENTS: AGENCY CONTACT PERSON

All persons are invited to submit written comments to the Insurance Commissioner on the proposed rates prior to the public comment deadline. Comments should be addressed to the contact person for this proceeding:

Bryant Henley, Senior Staff Counsel
California Department of Insurance
Legal Division
45 Fremont Street, 21st Floor
San Francisco, CA 94105
henleyb@insurance.ca.gov
Telephone: (415) 538-4111
Facsimile: (415) 904-5490

The backup agency contact person for this proceeding will be:

Sara Urakawa, Staff Counsel
California Department of Insurance
Rate Enforcement Bureau
45 Fremont Street, 21st Floor
San Francisco, CA 94105
urakawas@insurance.ca.gov
Telephone: (415) 538-4121
Facsimile: (415) 904-5490

All persons are invited to present oral and/or written testimony at the scheduled public hearing.

DEADLINE FOR WRITTEN COMMENTS

All written materials, unless submitted at the hearing, must be **received** by the Insurance Commissioner at the address listed above **no later than 5:00 p.m. on October 24, 2008**. Any written materials received after that time will not be considered. Written comments may also be submitted to the contact person by e-mail and facsimile transmission. Written comments shall be submitted by one method only.

ADVOCACY OR WITNESS FEES

Persons or groups representing the interest of consumers may be entitled to reasonable advocacy fees, witness fees, and other reasonable expenses, in accordance with the provisions of California Code of Regulations, Title 10, Sections 2662.1-2662.6 in connection with their participation in this matter. Interested persons must submit a Petition to Participate, as specified in California Code of Regulations, Title 10, Section 2661.4. The Petition to Participate must be submitted to the Commissioner at the Office of the Public Advisor at the following address:

California Department of Insurance
Office of the Public Advisor
300 Capitol Mall, Suite 1700
Sacramento, CA 95814
Telephone: (916) 492-3500

A copy of the Petition to Participate must also be submitted to the contact person for this hearing (listed

above). For further information, please contact the Office of the Public Advisor.

INFORMATIVE DIGEST

SUMMARY OF EXISTING LAW

California Insurance Code Sections 11629.7 through 11629.85 set forth, within the California Automobile Assigned Risk Plan established under Section 11620 of the Insurance Code, a statewide Low Cost Automobile Insurance Program.

Because the program is established and administered through the California Automobile Assigned Risk Plan ("CAARP"), CAARP procedures are applied where appropriate and consistent with the low cost automobile insurance statutes. Insurance Code Sections 11620, 11624 and 11629.7 require the Commissioner to approve a reasonable plan for the equitable apportionment of persons who are eligible to purchase Low Cost Automobile Insurance.

Under the program, the low-cost auto policy satisfies financial responsibility laws and provides coverage of \$10,000 for liability for bodily injury or death to one person, subject to a cumulative limit of \$20,000 for all persons in one accident, and \$3,000 for liability for damage to property. In addition to eligibility and other requirements, the statute sets forth the annual premium rates. In certain cases, surcharges are added to the base rate. The statute also provides procedures for developing a plan of operations to implement the Low Cost Automobile Insurance Program.

Section 2498.6 of the California Code of Regulations (Title 10, Chapter 5, Subchapter 3) references the separate California Automobile Insurance Low Cost Program Plan of Operations, approved by the Commissioner, and sets forth procedures for obtaining a copy of the Plan of Operations. The regulation implements, interprets, and makes specific CIC §§ 11629.7–11629.85.

The proposed amendments refer to sections of the Plan of Operations.

POLICY STATEMENT OVERVIEW

The proposed amendments to the statutorily required plan are intended to revise, clarify, and, in some cases, rework a number of procedures. The purpose of each of the proposed amendments is to mold the CLCA Plan of Operations into a plan that properly reflects the Commissioner's policies regarding Low Cost Automobile Insurance and also to reflect the most recent changes in existing law.

COMPARABLE FEDERAL LAW

There are no comparable existing federal regulations or statutes.

LOCAL MANDATE DETERMINATION

The Insurance Commissioner has initially determined that the proposal will not result in any new program mandates on local agencies or school districts.

COST OR SAVINGS TO STATE OR LOCAL AGENCIES/SCHOOL DISTRICTS/FEDERAL FUNDING

The Insurance Commissioner has initially determined that the proposal will not result in any cost or significant savings to any state agency or to any local agency or school district for which Part 7 (commencing with Section 17500) of Division 4 of the Government Code would require reimbursement, or in other non-discretionary costs or savings to local agencies. Nor will the proposal affect federal funding to the state.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES AND THE ABILITY OF CALIFORNIA BUSINESSES TO COMPETE

Because the proposal involves minor changes to the Plan of Operations Manual for Low Cost Automobile Insurance, the Insurance Commissioner has initially determined that the proposal will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This proposal will have no effect on the creation or elimination of jobs in California, the creation of new businesses, the elimination of existing businesses in California, or the expansion of businesses in California.

COST IMPACT ON PRIVATE PERSONS OR ENTITIES

The Insurance Commissioner has initially determined that the proposal will not impact businesses or private persons.

IMPACT ON HOUSING COSTS

The Insurance Commissioner has initially determined that the proposal will not affect housing costs.

EFFECT ON SMALL BUSINESSES

These proposed regulations may affect small businesses. Insurance companies, however, do not fall with-

in the definition of a small business. (Gov. Code § 1342.610(b)(2).)

SPECIFIC TECHNOLOGIES OR EQUIPMENT

The proposal would not mandate the use of specific technologies or equipment.

ALTERNATIVES

The Insurance Commissioner must determine that no reasonable alternative considered by the agency, or that has otherwise been identified and brought to the attention of the agency, would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

The agency invites interested persons to present statements or arguments with respect to the proposed regulations, or other alternatives, at the scheduled hearing or during the written comment period.

BUSINESS REPORTING REQUIREMENT

The Commissioner finds it is necessary for the health, safety, or welfare of the people of this State that these regulations which require a report apply to businesses.

PLAIN ENGLISH

The text describing the proposal is in plain English.

TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared an Initial Statement of Reasons addressing the regulations, in addition to the Informative Digest included in this notice. The Initial Statement of Reasons, the text of regulations, and all the information upon which this proposal is based are available for inspection or copying, and will be provided at no charge upon a request made to a contact person listed above.

QUESTIONS REGARDING REGULATIONS/ACCESS TO RULEMAKING FILE

Any interested person may inspect a copy of the proposed rulemaking file. **By prior appointment**, the rulemaking file is available for inspection at the public viewing rooms at 45 Fremont Street, 22nd Floor, San Francisco, California 94105 by calling 415/538-4300, and at the Ronald Reagan State Building, 300 South

Spring Street, Los Angeles, CA 90013 by calling 213/346-6707 between the hours of 9:00 a.m. and 4:30 p.m. Monday through Friday. Interested persons may direct questions about the proposed action, the statement of reasons, and any supplemental information contained in the rulemaking file by contacting the contact person listed above. **By prior appointment**, the rulemaking file is available for inspection at 45 Fremont, 21st Floor, San Francisco, California 94105 between the hours of 9:00 a.m. and 4:30 p.m. Monday through Friday.

AVAILABILITY OF MODIFIED TEXT OF REGULATION

In response to public comment, the Commissioner may determine that changes to the proposal are appropriate. If those changes are sufficiently related to the original text that the public had adequate notice of the proposal, as amended, copies of the amended text will be sent to all persons who testified or presented comments at the public hearing or submitted written comments during the comment period, and to anyone who requested information regarding the proposal. Thereafter, the Commissioner will accept written comments, arguments, evidence and testimony, concerning the changes only, for a period of at least 15 days prior to adoption.

FINAL STATEMENT OF REASONS

Once prepared, the Final Statement of Reasons will be made available through the contact persons listed above.

AUTOMATIC MAILING

A copy of this Notice, including the Informative Digest, is being sent to all persons on the Insurance Commissioner's mailing list.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Documents concerning this proceeding are available on the Department's website. To access them, go to <http://www.insurance.ca.gov>. On the right-hand column of the page, click the drop-down menu under the heading 'For Insurers.' In this section, scroll down until you see the subheading 'Regulations.' Below this subheading, click on the 'Proposed Regulations' link and then click on the 'Search for Proposed Regulations' link. When the 'Search or Browse for Documents for Proposed Regulations' screen appears, you may choose

to find the documents either by conducting a search or by browsing for them by name.

To search, enter "REG-2008-00006" (the Department's regulation file number for these regulations) in the 'Search for' field. Alternatively, search using as your search term the California Insurance Code number of a code section that the regulations implement (for instance, "11624"), or search by keyword ("low cost," for example). Then, click on the 'Submit' button to display links to the various filing documents.

To browse, click on the 'Browse All Regulations' button near the bottom of the screen. A list of the names of regulations for which documents are posted will appear. Find in the list the 'Statistical Plan Enforcement Remedies' link, and click it. Links to the documents associated with these regulations will then be displayed.

TITLE 16. BOARD OF CHIROPRACTIC EXAMINERS

Title 16, Division 4. Board of Chiropractic Examiners

NOTICE IS HEREBY GIVEN that the Board of Chiropractic Examiners (hereafter "board") is proposing to amend regulations described in the Informative Digest below. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at the hearing to be held:

2525 Natomas Park Drive, Suite 100
Sacramento, CA 95834

Date: September 29, 2008
Time: 10:00 a.m.

Written comments, including those sent by mail, facsimile, or e-mail to the address listed under Contact Person in this Notice, must be received in the board's office no later than 5:00 p.m. on September 29, 2008, or must be received by the board at the hearing. The board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 1000-4(b) and 1000-10 of the Busi-

ness and Professions Code; and the Chiropractic Initiative Act of California Stats. 1923. 1xxxviii., and to implement, interpret or make specific Sections 1000-4(b), and 1000-10, of said Code; the board is considering changes to Title 16, Division 4, of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Repeal Section 306.1:

Section 306.1 became effective on June 14, 1993, which required the Board to establish a Chiropractic Quality Review Panel (CQPR) by county throughout California to hear and provide recommendation for appropriate disciplinary actions regarding cases referred by the Board's Executive Officer. The regulation has never been implemented.

This proposal is necessary because this regulation as it currently exists is too expensive to implement, the panels created would be ineffective due to their limited scope of action, and the member's lack of knowledge of procedures could promote inconsistency in rulings. Additionally, enforcement functions are performed by Board staff, which is overall more effective. For the more complex cases, Board staff confers with expert witness, in-house investigators, and the Department of Justice, Office of the Attorney General.

Amend Section 305:

This amendment is necessary to remove the reference to CQPR's.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Non-discretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Sections 17500 through 17630 Requires Reimbursement: None

Business Impact:

The board initially determined that the proposed regulation will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses:

The board has determined that this regulatory proposal will not have any impact on creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in California.

Cost Impact on Representative Private Person or Business:

The board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

Effect on Small Business:

The board has determined that this regulatory proposal will not have an effect on small businesses/licensees.

This proposal simply repeals a Section that has not been implemented; therefore, this proposal will not result in additional costs to small businesses/licensees.

CONSIDERATION OF ALTERNATIVES

The board must determine that no reasonable alternative that it considered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearings.

INITIAL STATEMENT OF REASONS AND INFORMATION

The board has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from

April Alameda, Program Analyst
2525 Natomas Park Drive, Suite 260
Sacramento, California 95833
(916) 263-5329
Fax (916) 263-5369
aalameda@chiro.ca.gov

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file that is

available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the web site, www.chiro.ca.gov.

CONTACT PERSON

Inquiries concerning the proposed administrative action may be directed to:

Name: April Alameda, Program Analyst
Address: 2525 Natomas Park Drive, Suite 260
Sacramento, California 95833
Telephone: (916) 263-5329
Fax: (916) 263-5369
E-mail: aalameda@chiro.ca.gov

Back-up Contact person:

Name: Brian Stiger, Executive Officer
Address: 2525 Natomas Park Drive, Suite 260
Sacramento, California 95833
Telephone: (916) 263-5355
Fax: (916) 263-5369
E-mail: chiro.info@chiro.ca.gov

Web Site Address: Materials regarding this proposal can be found at www.chiro.ca.gov.

TITLE 16. CALIFORNIA ARCHITECTS BOARD/LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE

STATE OF CALIFORNIA — DEPARTMENT OF CONSUMER AFFAIRS CALIFORNIA ARCHITECTS BOARD LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE NOTICE OF PROPOSED CHANGES IN THE REGULATIONS

NOTICE IS HEREBY GIVEN that the California Architects Board (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the office of the Board, 2420 Del Paso Road, Suite 105, Sacramento, California 95834, on October 2, 2008. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office no later than 5:00 p.m. on October 1, 2008 or must be received by the Board at the hearing.

The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposal

substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as the contact person and will be mailed to those persons who submit written or oral testimony to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Section 5630 of the Business and Professions Code (BPC), and to implement, interpret or make specific Sections 5620.1, 5650, 5651, 5652, 5659, 5673, and 5681 of the BPC, the Board is considering changes to Division 26 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

BPC section 5630 authorizes the Board to adopt, amend, or repeal rules and regulations that govern the examination of applicants for licenses to practice landscape architecture in California.

BPC section 5620.1 mandates protection of the public as the Landscape Architects Technical Committee's (LATC) highest priority. BPC section 5650 describes the qualifications for eligibility for the licensing examination. BPC section 5651 requires that the Board administer a written examination that ascertains the professional qualifications of all applicants for licenses to practice landscape architecture. BPC section 5652 authorizes the LATC to issue a landscape architecture license upon successful completion of the licensing examination. BPC section 5659 requires a licensed landscape architect to use a stamp within defined specifications. BPC section 5673 specifies that the unauthorized use of a landscape architecture stamp constitutes a ground for disciplinary action. BPC section 5681 authorizes the Board to charge fees for sections of the licensing examination administered by the Board.

The 2007/2008 Strategic Plan sets goals for the LATC throughout the year and into future years. Specifically, two of those goals are the implementation of regulatory changes in order to keep the Practice Act current and improvement of service to all constituencies through timely, cost-effective, and efficient operations.

At its Strategic Planning meetings in February 2007 and January 2008, the LATC and staff discussed and agreed to review the Practice Act in its entirety and recommend changes making the language consistent and clear to its constituents. Staff recommended and presented clarifying language to the LATC at its April 17, 2008 meeting. The LATC discussed the proposed

changes and agreed to make the clarifying and non-substantive changes to the Practice Act.

Licensure candidates are required to pass the California Supplemental Examination prior to eligibility for licensure; once a candidate is eligible to take the California Supplemental Examination it is the intent of the Board and LATC that their eligibility not be indefinite. Due to the absence of an expiration date provided for in regulation, eligibility to take the California Supplemental Examination is currently indefinite. Additionally, there is no established expiration date for an applicant to submit additional required information to verify their application for the licensure examination. These applications cannot be processed without the required additional information and would otherwise be held indefinitely or until submittal of the additional information.

Council of Landscape Architectural Registration Boards (CLARB) is the national test vendor that supplies the Landscape Architect Registration Examination (LARE), the licensing examination, to the LATC. CLARB administers the multiple-choice sections of the LARE, whereas the LATC administers the graphic performance sections of the LARE. Administration of the multiple-choice sections was delegated to CLARB in August 2004, when they automated this examination process. In June 2007 staff researched the history behind administration of the LARE graphic sections in California. LATC records indicate that delegating the administration of these sections to CLARB, as done with the LARE multiple-choice sections, had not been considered.

During LATC meetings in July 2007 and October 2007 staff presented research on contracting of the LARE graphic sections to CLARB and data on other states that contract these sections. Research found that contracting would provide additional examination security by eliminating the physical exchange of examination material between CLARB and LATC staff, saving staff resources, and providing a means for staff to continue with the redevelopment of the new California Supplemental Examination. Contracting would also remove the ongoing confusion caused when licensure candidates are directed to CLARB for the examination of the multiple-choice sections then to the LATC for the graphic sections of the LARE and eliminate the need to file regulatory packages annually in order to keep up with CLARB fee increases. Other states that contract the LARE graphic sections to CLARB were surveyed and all reported only positive experiences. Based on this information, the LATC directed staff to proceed with the necessary steps to contract the administration and review of the LARE graphic sections.

This proposal would modify CCR sections 2606, 2611, 2612, 2613, 2614, 2615, 2616, 2621, 2623, and

2649 with the following changes: 1) amend language to make the Practice Act consistent and clear throughout the Act, 2) add new language requiring the abandonment of an application for licensure or examination after a prescribed period of time, 3) remove regulatory language no longer applicable due to repeal of referenced section, 4) remove any reference in the CCR referring LATC's administration of the LARE due to contracting of this function to CLARB.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Cost/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The following studies/relevant data were relied upon in making the above determination: N/A

Impact on Jobs/New Businesses: The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulation would not affect small businesses. The proposed regulation clarifies existing regulation, adds language for the abandonment of applications, and delegates the administration of the LARE graphic sections to CLARE.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative which it considered to the regulation or that has

otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of reasons for the proposed action and has made available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the California Architects Board, Landscape Architects Technical Committee at 2420 Del Paso Road, Suite 105, Sacramento, California 95834, or by telephoning the contact person listed below.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below (or by accessing the Web site listed below).

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Ethan Mathes
Address: California Architects Board
Landscape Architects Technical Committee
2420 Del Paso Road, Suite 105
Sacramento, CA 95834
Telephone No.: (916) 575-7230
Fax No.: (916) 575-7285
E-mail Address: ethan_mathes@dca.ca.gov

The backup contact person is:

Name: Mary Ann Aguayo
Address: California Architects Board
Landscape Architects Technical
Committee
2420 Del Paso Road, Suite 105
Sacramento, CA 95834
Telephone No.: (916) 575-7230
Fax No.: (916) 575-7285
E-mail Address: mary_ann_aguayo@dca.ca.gov

Website Access: Materials regarding this proposal can be found at <http://www.latc.ca.gov>.

TITLE 22. OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT

NOTICE OF PROPOSED RULEMAKING

California Coronary Artery Bypass Graft Outcomes Reporting Program

NOTICE IS HEREBY GIVEN that the Office of Statewide Health Planning and Development (OSHPD) proposes to amend Section 97174 of Title 22 of the California Code of Regulations (CCR). This amendment will add certain hospital reported data elements in the California Coronary Artery Bypass Graft Outcomes Reporting Program for the purpose of better analysis and outcomes reporting.

PUBLIC HEARING

No public hearing is scheduled. Any interested person, or his or her duly authorized representative, may submit a written request for a public hearing, pursuant to Section 11346.8(a) of the Government Code. The written request for hearing must be received by OSHPD's contact person, designated below, no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD/CONTACT PERSON

Any interested person may submit written comments relevant to the proposed regulatory action. All such comments must be received by OSHPD 3:00 p.m. on September 29, 2008.

All inquiries and comments concerning the proposed regulations should be addressed to the primary contact person named below. Comments may be delivered by fax, e-mail, hand delivery, or mail to:

Mary Moseley, M.A.
Clinical Data Programs Contracts Manager
Healthcare Outcomes Center
Office of Statewide Health Planning and
Development
400 R Street, Room 250
Sacramento, CA 95811-6213
Tel: (916) 326-3867 — Fax: (916) 322-9718
E-mail: mmoseley@oshpd.ca.gov

Inquiries and comments may also be addressed to backup contact person:

Holly Hoegh, Ph.D.
Manager Clinical Data Programs
Healthcare Outcomes Center
Office of Statewide Health Planning and
Development
400 R Street, Room 250,
Sacramento, CA 95811-6213
Tel: (916) 326-3868, Fax: (916) 322-9718
E-mail: hhoegh@oshpd.ca.gov

All comments should include the author's name, U.S. Postal Service address, and email address, if applicable, for OSHPD to provide copies of any notices for proposed changes in the regulation text on which additional comments may be solicited.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Section 128810 of the California Health and Safety Code, OSHPD proposes to amend Section 97174 of Chapter 10 of Division 7 of Title 22 of the California Code of Regulations, which would implement, interpret, or make specific Section 128745 of the Health and Safety Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Pursuant to Health and Safety Code section 128745, the Office of Statewide Health Planning and Development each year prepares and publishes risk-adjusted outcome reports for coronary artery bypass graft (CABG) surgeries performed in California hospitals. The program, known as the California CABG Outcomes Reporting Program (CCORP), collects data from each hospital in which CABG surgeries are performed, on each CABG patient. The collected data includes demographic and clinical data from the patient records. The Office analyzes the data and prepares the risk-ad-

justed outcome reports that compare outcomes by hospital and, in every other year, by cardiac surgeon.

Health and Safety Code Sections 128745 and 128748 provide for the appointment of a 9-member clinical panel to advise the Office on aspects of the CABG program. The Office must seek the recommendations of the clinical panel before making changes to the data elements collected for the CCORP program.

The clinical panel may recommend to the Office the addition of any elements that are included in the Society of Thoracic Surgeons (STS) database. The Society is the industry leader in defining and establishing data elements related to adult cardiac surgery. STS has its own data programs, and maintains a data base for CABG surgery. Seventy-five percent of California hospitals use the STS database.

In addition, the clinical panel may recommend that the Office add, delete or revise data elements that are not in the STS data base, but the Office may not add more than a net of 6 elements that are not in the STS data base over any five-year period. The proposed new data elements are all STS elements; therefore, are not subject to the 6 element rule.

The CCORP data elements are defined in section 97174 of Title 22. The Office is proposing to amend section 97174, to add and revise data elements to be reported. The changes will update the CCORP data, consistent with changes in the STS data base. The changes are proposed to provide the data necessary for better analysis and outcomes reporting. The current data elements will continue to apply for any patients discharged before January 1, 2008. The new language will apply for discharges on and after that date.

The additions and changes to data elements reflected in these regulatory changes were recommended by the Clinical Advisory Panel at its January 22, 2008 meeting. In addition, the California Health Policy and Data Advisory Commission, which advises the Office on changes to various data programs under the Health Data and Advisory Council Consolidation Act (Health and Safety Code section 128675 et seq.), concurred with the recommendations at its June 9, 2008 meeting.

OSHDP has determined that there are no comparable federal regulations, and the proposed changes are not mandated by federal law or regulations.

OSHDP has determined that the regulations have been drafted in plain English.

The proposed amendment to 97174 consists of adding data elements to be collected for discharges beginning January 01, 2008. Data elements collected for discharges on or after January 01, 2006, through December 31, 2007 remain in 97174.

DISCLOSURES REGARDING THE PROPOSED ACTION

OSHDP has made the following initial determinations:

1. Local mandate: None.
2. Estimated cost or savings to any state agency: An estimated cost of \$72,000 for revising the existing CCORP data collection tool.
3. Cost to any local agency or school district that is required to be reimbursed by the state in accordance with Government Code Sections 17500 through 17630: None.
4. Non-discretionary cost or savings imposed on local agencies: None.
5. Cost or savings in federal funding to the state: None.
6. Significant impact on housing costs: None.
7. Potential cost impact on private persons or affected businesses: OSHDP has determined that the proposed regulatory action will have an insignificant adverse impact on business. The estimated per hospital cost for CCORP reporting with no regulatory change is \$3,110. The estimated cost with the proposed regulatory change is \$3,877.
8. Potential adverse economic impact on business: OSHDP has determined that the regulations would not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.
9. OSHDP has determined that the regulations would not significantly affect the following:
 - 1) The creation or elimination of jobs within the State of California.
 - 2) The creation of new businesses or elimination of existing businesses within the State of California.
 - 3) The expansion of businesses currently doing business within the State of California.
10. Business reporting requirement: Data element reporting by hospitals is required in statute. These regulatory changes update a current program. OSHDP finds that it is necessary for the health, safety, or welfare of the people of this State that these regulations which require a report apply to businesses.

11. Small business determination: The proposed regulatory action does not affect small business. The health care facilities affected by the action either have more than 150 beds or more than \$1,500,000 in annual gross receipts. In accordance with Government Code Section 11342.610, these health care facilities are not defined as small businesses.

ALTERNATIVES CONSIDERED

OSHPD must determine in accordance with Government Code Section 11346.5(a)(13) that no reasonable alternative considered by OSHPD or that has otherwise been identified and brought to the attention of OSHPD would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

OSHPD has prepared an Initial Statement of Reasons for the proposed regulations. This statement, the express terms of the proposed regulations, and the information on which the proposal is based, are available by contacting the primary contact person listed earlier. In addition, the Initial Statement of Reasons and the proposed text amendments can be accessed through the OSHPD web site at www.oshpd.ca.gov.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, the Office may adopt the proposed regulations substantially as described in this Notice. If the Office makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Office adopts the regulations as revised. Please send requests for copies of any modified regulations to the contact person as listed in this Notice. The Office will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF FINAL STATEMENT OF REASONS AND RULEMAKING FILE

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting the primary contact person as listed in this Notice. The complete Rulemaking File will be available for review from the primary contact person.

GENERAL PUBLIC INTEREST

BOARD OF CHIROPRACTIC EXAMINERS

TITLE 16, Division 4, California Code of Regulations Section 389

NOTICE OF RESCHEDULED REGULATORY HEARING

NOTICE IS HEREBY GIVEN that the Board of Chiropractic Examiners (Board) has rescheduled the regulatory hearing originally scheduled for September 1, 2008, regarding proposed regulations (Z-2008-0708-03, Register 2008, No. 29-Z, published 7-18-2008).

The new date and location of the regulatory hearing is as follows:

Date of Hearing: Monday, September 8, 2008

Place: 2525 Natomas Park Drive,
Suite 100
Sacramento, CA 95834

Time: 10 a.m.

Persons who have previously submitted written comments to the Board regarding the proposed action need not submit comments again. Any comments previously submitted remain in the rulemaking file.

If you have any questions or comments, you may direct them to:

April Alameda
Program Analyst
Board of Chiropractic Examiners
2525 Natomas Park Drive, Suite 260
Sacramento, CA 95833
(916) 263-5329
april.alameda@chiro.ca.gov

DEPARTMENT OF FISH AND GAME

Department of Fish and Game — Public Interest Notice

For Publication August 15, 2008
CESA CONSISTENCY DETERMINATION
REQUEST FOR
Allen Road Bridge Project
Kern County

The Department of Fish and Game (Department) received a notice on August 4, 2008 that the City of Ba-

kersfield proposes to rely on consultations between federal agencies to carry out a project that may adversely affect species protected by the California Endangered Species Act (CESA). This project consists of construction of a new concrete bridge structure across the Kern River in the City of Bakersfield, Kern County, CA (Project). Project activities will result in impacts to habitat suitable for the San Joaquin kit fox (*Vulpes macrotis mutica*) and Tipton kangaroo rat (*Dipodomys nitratoide nitratoide*). These impacts could result in mortality of individuals of the species.

The U.S. Fish and Wildlife Service (Service) issued a "no jeopardy" federal biological opinion (1-1-06-F-0067)(BO) and incidental take statement (ITS) to the U.S. Army Corps of Engineers on March 26, 2006, and an amendment to the BO on July 9, 2008 which considered the effects of the Project on the Federally endangered and State threatened San Joaquin kit fox and the Federally and State endangered Tipton kangaroo rat. Pursuant to California Fish and Game Code Section 2080.1, the City of Bakersfield is requesting a determination that the BO and ITS, as amended, are consistent with CESA for the proposed Project. If the Department determines the BO and ITS are consistent with CESA for the proposed Project, the City of Bakersfield will not be required to obtain an incidental take permit under Fish and Game Code section 2081 for the Project.

PROPOSITION 65

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65)

NOTICE TO INTERESTED PARTIES

August 15, 2008

Availability of Hazard Identification Materials for 2,4,6-Trinitrotoluene

The California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA) is the lead agency for the implementation of

the Safe Drinking Water and Toxic Enforcement Act of 1986¹ (Proposition 65). The Carcinogen Identification Committee (CIC) of OEHHA's Science Advisory Board advises and assists OEHHA in compiling the list of chemicals known to the State to cause cancer as required by Health and Safety Code section 25249.8. The Committee serves as the State's qualified experts for determining whether a chemical has been clearly shown through scientifically valid testing according to generally accepted principles to cause cancer.

On December 21, 2007, OEHHA requested information relevant to the assessment of the evidence of carcinogenicity for 2,4,6-trinitrotoluene (commonly known as TNT), a chemical to be considered by the CIC for possible addition to the Proposition 65 list. The 60-day data call-in period ended on February 20, 2008. No information or data were received on 2,4,6-trinitrotoluene. OEHHA has prepared the hazard identification materials for 2,4,6-trinitrotoluene and announces the availability of the document entitled: "Evidence on the Carcinogenicity of 2,4,6-trinitrotoluene."

Copies of the document are available from the Proposition 65 Implementation Office and may be requested by calling (916) 445-6900, or through the Internet at the following address: <http://www.oehha.ca.gov/>. This notice marks the beginning of a 60-day public comment period. **It is requested, but not required, that written comments and supporting documentation be transmitted via email addressed to coshita@oehha.ca.gov.** Comments may also be delivered in triplicate in person or by courier to:

Cynthia Oshita
Office of Environmental Health Hazard Assessment
Proposition 65 Implementation
P.O. Box 4010
1001 I Street, 19th floor
Sacramento, California 95812-4010
FAX (916) 323-8803

In order to be considered, comments must be received at OEHHA by 5:00 p.m. on Tuesday, October 14, 2008.

OEHHA will organize and index the comments received and forward the information to the CIC members prior to the meeting at which the candidate chemical will be considered.

It is anticipated that 2,4,6-trinitrotoluene will be considered by the CIC at its next meeting scheduled for **Wednesday, November 5, 2008**. The meeting will be held at the Sacramento City Hall, City Council Chamber, 1000 I Street, Sacramento, California. The meeting will begin at 9:30 a.m. and will last until all business is conducted or until 4:00 p.m. [PLEASE NOTE: In the

¹ Health and Safety Code section 25249.5 et seq.

August 8, 2008 public notice announcing the availability of the "Evidence on the Carcinogenicity of N,N-Dimethylformamide," the meeting start time was incorrect. The November 5, 2008 CIC meeting will begin at 9:30 a.m.] The agenda for the meeting will be provided in a future public notice published in advance of the meeting.

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

**CALIFORNIA ENVIRONMENTAL
PROTECTION AGENCY
OFFICE OF ENVIRONMENTAL HEALTH
HAZARD ASSESSMENT**

**SAFE DRINKING WATER AND TOXIC
ENFORCEMENT ACT OF 1986
(PROPOSITION 65)**

**NOTICE TO INTERESTED PARTIES
August 15, 2008**

**Request for Relevant Information on a Chemical
to be Considered by the OEHHA Science Advisory
Board's Developmental and Reproductive
Toxicant (DART)
Identification Committee
EXTENSION OF PUBLIC COMMENT PERIOD**

On June 27, 2008 the Office of Environmental Health Hazard Assessment (OEHHA) published a notice in the *California Regulatory Notice Register* (Register 2008, No. 27-Z) soliciting information relevant to the assessment of the evidence of developmental and reproductive toxicity for three chemicals (bromodichloromethane, caffeine, and methylisocyanate). OEHHA will review the materials submitted as it prepares hazard identification materials for the three chemicals, which will be presented to the Developmental and Reproductive Toxicant Identification Committee (DART-IC) at future meetings for the Committee's consideration for listing under Proposition 65. These three chemicals will not be considered by the DART-IC at its November 2008 meeting.

OEHHA has received a request to extend the comment period for *caffeine* to allow for the submittal of complete and relevant scientific information. OEHHA hereby extends the public comment period for *caffeine* to **5 p.m., Monday, October 27, 2008**. Please note that the original 60-day public comment period for the other

two chemicals, bromodichloromethane and methylisocyanate, will close as announced on August 26, 2008.

Relevant information on these chemicals should be submitted to:

Cynthia Oshita
Office of Environmental Health Hazard Assessment
Proposition 65 Implementation
P.O. Box 4010
1001 I Street, 19th Floor
Sacramento, California 95812-4010
FAX: (916) 323-8803
Or via e-mail to coshita@oehha.ca.gov

It is requested that all hard-copy materials be submitted in triplicate.

Submissions may also be delivered in person or by courier to the above address. In order to be considered, the relevant information must be received at OEHHA by 5:00 p.m. on Monday, October 27, 2008.

**OAL REGULATORY
DETERMINATIONS**

OFFICE OF ADMINISTRATIVE LAW

**DETERMINATION OF ALLEGED
UNDERGROUND REGULATION
(Summary Disposition)**

**(Pursuant to Government Code
Section 11340.5 and
Title 1, section 270, of the
California Code of Regulations)**

**DEPARTMENT OF CORRECTIONS AND
REHABILITATION**

Date: August 1, 2008
To: James White
From: Chapter Two Compliance Unit
Subject: **2008 OAL DETERMINATION NO. 17(S)
(CTU2008-0605-01)**
(Summary Disposition Issued pursuant to Gov. Code, sec. 11340.5; Cal. Code Regs., tit. 1, sec. 270(f))

Petition challenging as an underground regulation a Memorandum titled "Restitution Requirement for Out-of-State Inmates"

On June 6, 2008, you submitted a petition to the Office of Administrative Law (OAL) asking for a determination as to whether a Memorandum titled "Restitution Requirement for Out-of-State Inmates" (Memorandum) is an underground regulation. The Memorandum is dated August 21, 1996 and is signed by the Deputy Director of the Institution Division of the California Department of Corrections and Rehabilitation (CDCR). The Memorandum states that CDCR is

. . . mandated to collect funds from an inmate's wages and trust account deposits in response to a restitution obligation imposed by the courts. . . . In the event the inmate desires to participate in an out-of-state prison placement, [CDCR] must ensure all restitution obligations are resolved prior to consideration to participate in the Interstate Correction Compact (ICC) transfer process.

.
In issuing a determination, OAL renders an opinion only as to whether a challenged rule is a "regulation" as defined in Government Code section 11342.600, which should have been, but was not adopted pursuant to the Administrative Procedure Act (APA).¹ Nothing in this analysis evaluates the advisability or the wisdom of the underlying action or enactment. OAL has neither the legal authority nor the technical expertise to evaluate the underlying policy issues involved in the subject of this determination.

Generally, a rule which meets the definition of a "regulation" in Government Code section 11342.600² is required to be adopted pursuant to the APA. In some cases, however, the Legislature has chosen to establish exemptions from the requirements of the APA. Pursuant to Government Code section 11340.9(f) the APA does not apply to a regulation that embodies the only legally tenable interpretation of a provision of law. The California Supreme Court discussed the "only legally tenable interpretation" exception in *Morning Star Co. v. State Bd. of Equalization* (2006) 38 Cal.4th 324, 328, 132 P.3d 249. The court stated:

¹ Such a rule is called an "underground regulation" as defined in California Code of Regulations, title 1, section 250, subsection (a):

"Underground regulation" means any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, including a rule governing a state agency procedure, that is a regulation as defined in Section 11342.600 of the Government Code, but has not been adopted as a regulation and filed with the Secretary of State pursuant to the APA and is not subject to an express statutory exemption from adoption pursuant to the APA.

² "Regulation" means every rule, regulation, order, or standard of general application or the amendment, supplement, or revision of any rule, regulation, order, or standard adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure.

. . . the exception for the lone "legally tenable" reading of the law applies only in situations where the law "can reasonably be read only one way" (1989 Off. Admin. Law Determination No. 15, Cal. Reg. Notice Register 89, No. 44-Z, pp. 3122, 3124), such that the agency's actions or decisions in applying the law are essentially rote, ministerial, or otherwise patently compelled by, or repetitive of, the statute's plain language. (See Cal. Law Revision Com. com., 32D West's Ann. Gov. Code (2005 ed.) foll. § 11340.9, p. 94; 1989 Off. Admin. Law Determination No. 15, Cal. Reg. Notice Register 89, No. 44-Z, pp. 3124-3131 [reviewing an agency interpretation of the law for compliance with the APA and concluding that although the agency had a "well-supported" rationale for its view, it was not the only legally tenable interpretation of the pertinent statute].)

Penal Code section 2085.5 requires the Secretary of CDCR to enforce an order of restitution or a restitution fine made against an inmate.³ The section specifies several sections of various codes under which an order or fine of restitution may be made and the amount the Secretary may deduct from the inmate's wages or trust account.

³ Penal Code section 2085.5 states in part:

(a) In any case in which a prisoner owes a restitution fine imposed pursuant to subdivision (a) of Section 13967 of the Government Code, as operative prior to September 28, 1994, subdivision (b) of Section 730.6 of the Welfare and Institutions Code, or subdivision (b) of Section 1202.4, the Secretary of the Department of Corrections and Rehabilitation shall deduct a minimum of 20 percent or the balance owing on the fine amount, whichever is less, up to a maximum of 50 percent from the wages and trust account deposits of a prisoner, unless prohibited by federal law, and shall transfer that amount to the California Victim Compensation and Government Claims Board for deposit in the Restitution Fund in the State Treasury. Any amount so deducted shall be credited against the amount owing on the fine. The sentencing court shall be provided a record of the payments.
(b) In any case in which a prisoner owes a restitution order imposed pursuant to subdivision (c) of Section 13967 of the Government Code, as operative prior to September 28, 1994, subdivision (h) of Section 730.6 of the Welfare and Institutions Code, or subdivision (f) of Section 1202.4, the Secretary of the Department of Corrections and Rehabilitation shall deduct a minimum of 20 percent or the balance owing on the order amount, whichever is less, up to a maximum of 50 percent from the wages and trust account deposits of a prisoner, unless prohibited by federal law. The secretary shall transfer that amount to the California Victim Compensation and Government Claims Board for direct payment to the victim, or payment shall be made to the Restitution Fund to the extent that the victim has received assistance pursuant to that program. The sentencing court shall be provided a record of the payments made to victims and of the payments deposited to the Restitution Fund pursuant to this subdivision.

Transfers of inmates to other states are governed by the Interstate Corrections Compact (ICC) found in Penal Code section 11189. The ICC does not address the issue of enforcement of an order of restitution or a restitution fine.

If an inmate is transferred to a receiving state, the rights and responsibilities of the receiving state are found in the ICC. The ICC does not discuss the responsibility of the Secretary of CDCR to enforce an order of restitution or a restitution fine or delegate that responsibility to the receiving state. As a result, there is no process or mechanism or procedure for the Secretary of CDCR to use to enforce or collect upon an order of restitution or a restitution fine if the inmate is transferred out of state. For the Secretary of CDCR to fulfill the responsibility of enforcing an order of restitution or a restitution fine required by Penal Code section 2085.5, the inmate must be in California and may not be transferred to the jurisdiction of another state.

Therefore, the Memorandum you challenge as an underground regulation constitutes the only legally tenable interpretation law and is exempt from compliance with the APA pursuant to Government Code section 11340.9(f). The Memorandum is not an underground regulation.⁴

The issuance of this summary disposition does not restrict your right to adjudicate the alleged violation of section 11340.5 of the Government Code.

/s/
SUSAN LAPSLEY
Director

/s/
Kathleen Eddy
Senior Counsel

⁴ For these reasons, pursuant to subdivision (f)(2)(E) of section 270, your petition is the proper subject of a summary disposition letter. California Code of Regulations, Title 1, section 270, subdivision (f) provides:

- (f)(1) If facts presented in the petition or obtained by OAL during its review . . . demonstrate to OAL that the rule challenged by the petition is not an underground regulation, OAL may issue a summary disposition letter stating that conclusion. A summary disposition letter may not be used to conclude that a challenged rule is an underground regulation.
- (2) Circumstances in which facts demonstrate that the rule challenged by the petition is not an underground regulation include, but are not limited to, the following:
 - (A) The challenged rule has been superseded.
 - (B) The challenged rule is contained in a California statute.
 - (C) The challenged rule is contained in a regulation that has been adopted pursuant to the rulemaking provisions of the APA.
 - (D) The challenged rule has expired by its own terms.
 - (E) **An express statutory exemption from the rulemaking provisions of the APA is applicable to the challenged rule.** (Emphasis added.)

Copy: Matthew Cate, Secretary
Marilyn Kalvelage, Chief Classifications Unit
Timothy Lockwood, Chief, RPMB

OFFICE OF ADMINISTRATIVE LAW

DETERMINATION OF ALLEGED UNDERGROUND REGULATION

(Pursuant to Government Code
Section 11340.5 and
Title 1, section 270, of the
California Code of Regulations)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

STATE OF CALIFORNIA

OFFICE OF ADMINISTRATIVE LAW

2008 OAL DETERMINATION NO. 18
(OAL FILE # CTU 2008-0131-01)

REQUESTED BY: Edmund Carolan
CONCERNING: Department of Corrections
and Rehabilitation
Department Operations
Manual sections 31130.6,
31130.6.1, 31130.6.2, and
31130.6.3, Hiring—Above—Minimum Salaries for
Extraordinary
Qualifications.
**DETERMINATION ISSUED
PURSUANT TO
GOVERNMENT CODE
SECTION 11340.5.**

SCOPE OF REVIEW

A determination by the Office of Administrative Law (OAL) evaluates whether or not an action or enactment by a state agency complies with California administrative law governing how state agencies adopt regulations. Nothing in this analysis evaluates the advisability or the wisdom of the underlying action or enactment. Our review is limited to the sole issue of whether the challenged rule meets the definition of a “regulation” as defined in Government Code section 11342.600 and is subject to the Administrative Procedure Act (APA). If a

rule meets the definition of a “regulation,” but was not adopted pursuant to the APA and should have been, it is an “underground regulation” as defined in California Code of Regulations, title 1, section 250. OAL has neither the legal authority nor the technical expertise to evaluate the underlying policy issues involved in the subject of this determination.

ISSUE

On January 31, 2008, Edmund Carolan (Petitioner) submitted a petition to OAL challenging the Hiring–Above–Minimum (HAM) salary provisions found in the Department Operations Manual (DOM), a publication of the Department of Corrections and Rehabilitation (CDCR). The only challenged HAM provisions are DOM sections 31130.6, 31130.6.1, 31130.6.2, and 31130.6.3, located in chapter 3 (Personnel, Training, and Employee Relations), article 13 (Salary and Classifications) of the DOM. The entire text of the challenged DOM sections is attached as Exhibit A.

The four challenged sections pertain to applicants for CDCR employment who have extraordinary qualifications and qualify for a HAM starting salary. The following summarizes the four challenged DOM sections:

DOM section 31130.6. Hiring–Above–Minimum (HAM) Salary Rates for Extraordinary Qualifications.

The Department of Personnel Administration (DPA) may authorize HAM salaries to bring a person who has extraordinary qualifications into state service. Current state employees shall not be considered for HAM salaries.

HAM salaries may be offered to extraordinarily qualified applicants for CDCR employment only when the minimum starting salary for the classification is not attractive to the applicant. Firm salary commitments shall not be made prior to official approval.

DOM section 31130.6.1. Delegated Classifications.

CDCR has authority to approve HAM salaries for selected medical, nursing and related classifications. CDCR authority to approve HAM salaries for these classifications is delegated from DPA.

DOM section 31130.6.2. Approval.

CDCR Personnel Operations shall be the approval authority for HAM salary requests for delegated classifications. HAM salary requests for delegated classifications shall be submitted to CDCR Personnel Operations at least five working days before the proposed reporting date of the applicant, and shall be approved before salary

commitments are made and before employees begin work.

HAM salary requests for non–delegated classifications require DPA approval, shall be submitted to CDCR Personnel Operations at least ten working days before the proposed reporting date of the applicant, and shall be approved before salary commitments are made and before employees begin work.

DOM section 31130.6.3. Standards.

HAM salaries shall only be considered for extraordinarily qualified applicants who will provide a significant contribution to CDCR beyond that which other applicants offer. An applicant shall be considered extraordinarily qualified and eligible for a HAM salary based upon standards and criteria that include the following:

- Unique talent, ability, or skill as demonstrated by previous employment experience.
- Comparison of qualifications to other applicants and current state employees
- Current salary and other job offers
- Difficulty in recruitment for the position
- Prior state employment

Current state employees shall not be considered for a HAM salary. HAM salaries shall not be granted retroactively after an applicant enters state employment.

Petitioner challenges these four DOM provisions as alleged underground regulations¹ issued in violation of Government Code section 11340.5.² The scope of this determination is limited to the four challenged HAM sections in the DOM.³

¹ An underground regulation is defined in title 1, section 250:

“Underground regulation” means any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, including a rule governing a state agency procedure, that is a regulation as defined in Section 11342.600 of the Government Code, but has not been adopted as a regulation and filed with the Secretary of State pursuant to the APA and is not subject to an express statutory exemption from adoption pursuant to the APA.

² Unless otherwise specified code references are to the California Government Code.

³ This determination is specifically limited in scope to these four HAM sections in the DOM. OAL is not reviewing or rendering an opinion on the validity of underlying DPA HAM policy issued in its personnel memoranda, PMLs, or other DPA guidelines. These were not challenged as underground regulations and DPA is not a party to this petition. For similar reasons, this determination does not address underlying issues that associate CDCR and DPA in establishing CDCR HAM policy, DPA’s authority to delegate HAM policy to CDCR or to state agencies in general, or DPA’s authority to establish HAM policy.

DETERMINATION

OAL determines that the challenged HAM provisions in DOM sections 31130.6, 31130.6.1, 31130.6.2, and 31130.6.3 meet the definition of a “regulation” as defined in section 11342.600 and that they should have been adopted pursuant to the APA.

FACTUAL BACKGROUND

Petitioner was hired by CDCR in May 2007 from a list of eligible applicants. The precise chronology of events is unclear, but we will assume the following facts based upon the allegations and exhibits in the record⁴ and information obtained during our review from CDCR and DPA. Petitioner was told during the hiring process that he could be qualified to receive a starting salary above the minimum range for his classification (a HAM salary), possibly at the maximum range for his classification. CDCR informed Petitioner in March 2007 that the HAM salary had been denied. Despite the denial, Petitioner accepted the position with CDCR and filed a grievance with CDCR in June 2007 alleging a violation of his bargaining unit’s Memorandum of Understanding (MOU) and seeking reversal of the HAM denial. In a letter dated November 2, 2007, Petitioner was informed by the CDCR Office of Labor Relations that his grievance had been denied. Citing CDCR’s initial denial of the HAM salary based in pertinent part on the HAM provisions in the DOM,⁵ CDCR found no violation of Petitioner’s MOU.

Subsequently, Petitioner submitted a petition to CDCR pursuant to section 11340.6⁶ asking CDCR to formally adopt the HAM provisions in the DOM in compliance with the APA. CDCR denied this petition and, pursuant to section 11340.7(d), CDCR’s written decision for its denial was published in the California Regulatory Notice Register on January 28, 2008 (vol. 3–Z, pp. 73–74). Petitioner then filed this petition with

OAL on January 31, 2008, pursuant to section 11340.5, challenging the HAM provisions in the DOM as underground regulations.

CDCR responded to the section 11340.5 petition on May 5, 2008, arguing that the HAM provisions in the DOM are not required to be adopted pursuant to the APA. The following summarizes the arguments in CDCR’s response:

1. CDCR has the authority to regulate certain aspects of HAM salaries for new state employees. This authority is derived from DPA, whose authority is derived from section 19836 of the Government Code.
2. The challenged HAM provisions in the DOM are outdated and are therefore not underground regulations as defined in title 1, California Code of Regulations, section 250. CDCR administration of all medical classifications is currently under control of federal receivership under the *Plata* decision. The challenged HAM provisions in the DOM would have been accurate prior to PML No. 2007–026⁷ and the *Plata* receivership.
3. Amendment of regulatory portions of DOM are approved by CDCR’s Secretary and forwarded to OAL in compliance with the APA. This process assures compliance with the APA and, accordingly, the HAM provisions in the DOM are not underground regulations because they have been vetted by this process.

On May 18, 2008, OAL received Petitioner’s rebuttal to CDCR’s response to the petition. The rebuttal reiterates the arguments made in the petition and disagrees with the arguments made in CDCR’s response. OAL received no public comments for this petition.

UNDERGROUND REGULATIONS

Section 11340.5, subdivision (a), prohibits state agencies from issuing rules unless the rules comply with the APA. It states as follows:

(a) No state agency shall issue, utilize, enforce, or attempt to enforce any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, which is a regulation as defined in [Government Code] Section 11342.600, unless the guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule has been adopted as a regulation and filed with the Secretary of State pursuant to [the APA].

⁴ See Petitioner’s rebuttal, May 18, 2008.

⁵ Petitioner was informed in this CDCR correspondence, and in DPA correspondence he apparently received after filing his petition with OAL, that CDCR’s denial of his HAM was based on the HAM sections in the DOM and, by reference, to various HAM policies established by DPA. Only the HAM sections in the DOM cited in these letters are pertinent for purposes of this determination. These letters make clear the allegation in Petitioner’s OAL petition that CDCR’s denial of the HAM salary was based on the HAM provisions in the DOM.

⁶ A section 11340.5 petition is different from a section 11340.6 petition. A section 11340.6 petition is made to the state agency by any interested person requesting that the state agency formally adopt, amend, or repeal regulations in compliance with the APA. The state agency is required to respond to such a petition indicating whether the agency will formally adopt, amend, or repeal regulations as requested. A section 11340.5 petition is made to OAL, alleging that a state agency is using an underground regulation.

⁷ “PML” is apparently an acronym for Personnel Management Liaisons, the addressees of DPA memoranda distributed to state agencies. PML No. 2007–026 was issued on September 25, 2007 to update DPA’s “Personnel Management Delegation Program,” which, among other things, includes HAM salaries.

When an agency issues, utilizes, enforces, or attempts to enforce a rule in violation of section 11340.5 it creates an underground regulation as defined in title 1, California Code of Regulations, section 250.

OAL may issue a determination as to whether or not an agency issues, utilizes, enforces, or attempts to enforce a rule that meets the definition of a “regulation” as defined in section 11342.600 and should have been adopted pursuant to the APA. An OAL determination that an agency has issued, utilized, enforced, or attempted to enforce an underground regulation is not enforceable against the agency through any formal administrative means, but it is entitled to “due deference” in any subsequent litigation of the issue pursuant to *Grier v. Kizer* (1990) 219 Cal.App.3d 422 [268 Cal.Rptr. 244].

ANALYSIS

A determination of whether the challenged rule is a “regulation” subject to the APA depends on (1) whether the challenged rule contains a “regulation” within the meaning of section 11342.600, and (2) whether the challenged rule falls within any recognized exemption from APA requirements.

A regulation is defined in section 11342.600 as:

. . . every rule, regulation, order, or standard of general application or the amendment, supplement, or revision of any rule, regulation, order, or standard adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure.

In *Tidewater Marine Western, Inc. v. Victoria Bradshaw* (1996) 14 Cal.4th 557, 571 [59 Cal.Rptr.2d 186], the California Supreme Court found that:

A regulation subject to the Administrative Procedure Act (APA) (Gov. Code, § 11340 et seq.) has two principal identifying characteristics. First, the agency must intend its rule to apply generally, rather than in a specific case. The rule need not, however, apply universally; a rule applies generally so long as it declares how a certain class of cases will be decided. Second, the rule must implement, interpret, or make specific the law enforced or administered by the agency, or govern the agency’s procedure (Gov. Code, § 11342, subd. (g)).⁸

The first element of a regulation is whether the rule applies generally. As *Tidewater* pointed out, a rule need not apply to all persons in the state of California. It is sufficient if the rule applies to a clearly defined class of persons or situations. The HAM provisions in the DOM

apply to such a clearly defined class of persons—all applicants seeking employment with CDCR and requesting HAM salaries for positions within designated medical classifications. The first element is, therefore, met.

The second element is that the rule must implement, interpret or make specific the law enforced or administered by the agency, or govern the agency’s procedure. CDCR states in its response that the HAM provisions in the DOM implement section 19836 HAM policy from authority it derives from the DPA delegation. Government Code section 19836 provides for the administration of HAM salaries by DPA. Section 19836(a) provides:

[DPA] may authorize payment at any step above the minimum salary limit to classes or positions in order to meet recruiting problems, to obtain a person who has extraordinary qualifications, to correct salary inequities resulting from actions by the department or State Personnel Board, or to give credit for prior state service in connection with appointments, promotions, reinstatements, transfers, reallocations, or demotions.

Additionally, Government Code section 11152 provides:

So far as consistent with law the head of each department may adopt such rules and regulations as are necessary to govern the activities of the department and may assign to its officers and employees such duties as he sees fit.

CDCR’s authority to adopt regulations governing its activities necessarily includes its hiring practices. The challenged HAM sections expressly set forth standards for CDCR to determine eligibility for HAM salaries and establish procedures for CDCR to process HAM salary requests. DOM section 31130.6 sets forth the preliminary requirements (e.g., that current state employees cannot be considered). DOM section 31130.6.1 establishes that DPA has delegated its approval of HAM salaries for medical, nursing, and related classifications. DOM section 31130.6.2 sets forth the CDCR process for approval, including the timeframe in which requests must be made. And DOM section 31130.6.3 sets forth the standards and criteria for determining if an applicant is “extraordinarily qualified.” See the summary of the provisions, *supra*, on page 2 of this Determination and the full text of the provisions attached as Exhibit A.

These challenged HAM provisions establish policies and procedures for HAM salaries authorized by CDCR. These HAM provisions implement, interpret, or make specific sections 11152 and 19836 of the Government Code, and therefore, the second element in *Tidewater* is met. Accordingly, we conclude that the challenged HAM provisions in the DOM meet the definition of “regulation” as defined in section 11342.600.

⁸ Section 11342(g) was re-numbered in 2000 to section 11342.600 without substantive change.

The final issue to examine is whether the challenged HAM provisions in the DOM fall within an exemption from the APA. Exemptions from the APA can be general exemptions that apply to all state rulemaking agencies.⁹ Exemptions may also be specific to a particular rulemaking agency or a specific program. Pursuant to section 11346, the procedural requirements established in the APA “shall not be superseded or modified by any subsequent legislation *except to the extent that the legislation shall do so expressly.*” (Emphasis added.)

We were unable to find any statutory APA exemption that would apply to the DOM sections challenged by this petition.¹⁰

AGENCY RESPONSE

The following addresses the arguments made by CDCR in its response to the petition.

1. CDCR has the authority to regulate certain aspects of HAM salaries for new state employees. This authority is derived from DPA, whose authority is derived by section 19836 of the Government Code.

The question of authority is not determinative of whether an underground regulation exists. We only need to determine whether the HAM provisions issued by CDCR meet the definition of “regulation” as defined in section 11342.600 that should have been adopted pursuant to the APA. The question of authority becomes relevant only when an agency proposes to adopt regulations pursuant to the APA, the applicable requirements of which assure that a duly adopted regulation is within the agency’s quasi-legislative authority. CDCR’s authority to implement HAM policy is not an issue in this determination, and we make no finding on the authority of CDCR to adopt regulations directly related to HAM salaries.

2. The challenged HAM provisions in the DOM are outdated and are therefore not underground regulations as defined in title 1, California Code of Regulations, section 250. CDCR administration of all medical classifications is currently under control of federal receivership under the *Plata*

decision. The challenged HAM provisions in the DOM would have been accurate prior to PML No. 2007–026 and the *Plata* receivership.

OAL informed CDCR of its option to issue a certification pursuant to title 1, California Code of Regulations, section 280, that CDCR is not using, enforcing, or will not attempt to enforce the HAM provisions currently in the DOM. CDCR chose not to issue the certification.

Additionally, CDCR’s claim that the California prisons are currently under control of federal receivership under the *Plata* decision does not mean the challenged HAM sections are not underground regulations. The *Plata* decision is a compilation of cases on the same subject. CDCR has not provided a citation to any specific language in any of these cases that would provide an exemption from the procedures of the APA. Without an express statutory exemption or language in the court’s decision establishing an APA exemption, OAL rejects this argument.

3. Amendment of regulatory portions of DOM are approved by CDCR’s Secretary and forwarded to OAL in compliance with the APA. This process assures compliance with the APA and, accordingly, the HAM provisions in the DOM are not underground regulations because they have been vetted by this process.

After careful regulatory research, OAL found no evidence of the HAM provisions having been adopted by CDCR in compliance with the procedural requirements of the APA. The DOM is a collection of provisions, labeled as operational policies, that is published by and solely the product of CDCR. OAL has no oversight or affiliation with what CDCR publishes in the DOM. The fact that regulatory provisions in the DOM may include duly-adopted regulations does not necessarily mean that all DOM regulatory provisions have first been properly adopted pursuant to the procedural requirements of the APA.

CONCLUSION

The challenged HAM provisions in DOM sections 31130.6, 31130.6.1, 31130.6.2, and 31130.6.3 meet the definition of a “regulation” as defined in section 11342.600. They do not fall within any express APA exemption, and should, therefore, have been adopted pursuant to the APA.

August 4, 2008

/s/
SUSAN LAPSLEY
director

/s/
Richard L. Smith
Staff Counsel

⁹ See Government Code section 11340.9. For example, section 11340.9(d) provides that the APA does not apply to “[a] regulation that relates only to the internal management of the state agency.” In order for a rule to fall within this exemption, it must directly affect only the employees of the issuing agency. (See *Poschman v. Dumke* (1973) 31 Cal.App.3d 932 [107 Cal.Rptr. 596] and *Stoneham v. Rushen* (*Stoneham I*) (1982) 137 Cal.App.3d 729 [188 Cal.Rptr. 130].) Because the HAM sections affect applicants for employment with CDCR, i.e., people who are not employees of CDCR, the HAM sections do not fall within the internal management exemption of the APA.

¹⁰ Both CDCR and DPA were consulted on the issue of an applicable APA exemption. CDCR was unable to find an applicable exemption, and DPA declined to comment.

Exhibit A

Operations Manual

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Operations Manual

- File suit in a superior court, if the dollar amount exceeds the limits for small claims court.

31130.6 Hiring-Above-Minimum (HAM) Salary Rates for Extraordinary Qualifications

The DPA may authorize payment above the minimum step in the salary range in order to bring a person who has extraordinary qualifications into state service. Current state employees shall not be considered for these rates.

Special hiring rates under this authorization may be offered to an unusually well qualified person when the minimum step of the range is not attractive. Firm salary commitments shall not be made prior to official approval.

31130.6.1 Delegated Classifications

The Department has the delegated authority to approve HAMs (second to fifth step, inclusive) for selected medical, nursing and related classifications. This authority and the classifications affected are specified in a DPA memorandum published at the beginning of each fiscal year. A copy of the memorandum is available for review in the institutional personnel offices and Personnel Operations Section, Central Office.

31130.6.2 Approval

HAM requests shall be approved before salary commitments are made and before employees begin work.

The Personnel Operations Section analysts and institutional personnel officers are the approval authority for delegated classifications. Their authority is limited in accordance with the DPA memorandum and any subsequent guidelines published by DPA.

HAMs for other classifications require DPA approval.

HAM requests shall be received:

- By the Personnel Operations Section or institution personnel officer at least five working days before the proposed reporting date for delegated classification.
- By the Personnel Operations Section at least ten working days before the proposed reporting date for classifications requiring DPA approval.

31130.6.3 Standards**Contribution to the Agency**

Extraordinary qualifications should provide to the work of the Department a significant contribution beyond that which other applicants offer, for example:

- Expertise in a particular area of the Department's program. This expertise must be well beyond the normal requirements of the class.
- Unique talent, ability, or skill as demonstrated by previous job experience. The scope and depth of such experience is more significant than its length.

The degree to which a candidate exceeds minimum qualifications shall be a guiding factor, rather than a determining one. When a number of candidates offer considerably more than minimum qualifications, it may not be necessary to pay above the minimum to acquire an unusually well qualified person.

The qualifications of state employees already in the same or closely related classes shall be carefully considered since questions of salary equity may arise. Inequity adjustments shall not result from use of this delegation.

Current Salary and Other Job Offers

If the criteria for extraordinary qualifications are otherwise met, the individual's present salary or other bona fide salary offers normally shall be above the first step of the class before the candidate can be considered for a special hiring rate.

Current competitive salary offers shall be verified. The name of persons contacted, telephone numbers and dates of contact, and data obtained shall be included on the request form.

Recruitment Difficulty

Recruitment difficulty is a factor to the extent that a specific extraordinary skill is difficult to recruit, even though some applicants are qualified in the general skills of the class.

Prior State Employment

The Department approves (or requests approval of) HAMs for extraordinary qualifications only for persons who are not now in state

civil service. Above-minimum rates cannot be granted retroactively once the individual becomes a state civil service employee.

Prospective employees with prior state service (civil or exempt service, including that with the University of California, state colleges, the Legislature and other groups) shall be evaluated in the same manner as other applicants. However, to qualify for a higher rate of pay than they received as state employees, they shall clearly have qualifications above those they possessed as state employees.

Employees re-entering state service under DPA Rule 599.677, Rate on Reappointment or Reinstatement After Permanent Separation, are not eligible for a special hiring rate under this section.

31130.6.4 Determining the Amount of Adjustment Established Rate

Once the hiring authority determines that a special hiring rate is necessary to attract an outstanding individual, the hiring authority shall decide which hiring rate to request.

In order to be competitive with other employers, yet offer no more than is necessary, the actual rate granted is an established rate between the minimum and maximum for the class nearest (above or below) to the individual's present salary or other valid job offers. This is any established rate between the existing steps for the class if it will more closely approximate a realistic appraisal of the individual's background and salary history.

Limitations

Special hiring rates are usually limited to two steps above the minimum of the salary range, i.e., the third salary step. When the position has limited promotional opportunity, use of hiring rates above that rate limits the Department's ability to use merit salary adjustments to recognize employee growth and encourage initiative.

Adjustments above the third step shall be processed only when the factors of extraordinary qualifications, present salary, or prospective job offers make a strong case for the particular individual.

Determining the Above-Minimum Rate

The individual's monthly salary (or highest bona fide job offer) is compared to the state's pay ranges in determining the maximum amount to authorize. Money earned through part-time employment is counted in determining the above-minimum rate only when the individual would lose this income by coming to work for the Department.

When an individual's total income covers periods substantially less than twelve months and that individual does not work for the remainder of the year, the income is considered as the function of the number of months worked; e.g., \$10,000 per year for a ten month work year is considered as \$1,000 per month. When there is additional income from a second job from which the individual must resign, that should be added to the total and the full year considered.

Consideration of Other Offers

Other competitive salary offers from state agencies shall not be used as justification for exceeding these other offers for above minimum rates. When the provisions outlined here are applied correctly, above minimum rates authorized for outstanding qualifications for a given individual shall be identical for all state agencies using the class.

Moving Expense

The salary shall not include a bonus to the candidate to come to the State; however, when relocation involves an unusual moving expense, an above minimum rate may be justified where use of the candidate's qualifications is particularly critical to the Department's program. Advance approval by DPA is required in these cases.

Applicable Authorizations

Under delegation, an individual ordinarily cannot receive above minimum steps under more than one special salary authorization. Regarding entrance into college recruitment classes, it may be found that an individual possesses superior scholastic achievement. Also, there may be a general hiring "plus" rate authorized on the basis of recruitment difficulty. The Department decides which of the applicable authorizations is needed to acquire the individual.

Required Explanation

If the rate approved for the individual does not fall at one of the normal steps within the salary range for that class, the hiring authority shall provide the appointee with an explanation of the possible effect on movement through the salary range under DPA rules.

Corrective Salary Action

Special adjustments for outstanding qualifications are not a substitute for corrective salary action for a class. If there are a number of vacancies in a given class and recruitment is difficult, recruitment "plus" differential or special corrective salary action for the class may be necessary.

OFFICE OF ADMINISTRATIVE LAW

**DETERMINATION OF ALLEGED
UNDERGROUND REGULATION
(Summary Disposition)**

**(Pursuant to Government Code
Section 11340.5 and
Title 1, section 270, of the
California Code of Regulations)**

**DEPARTMENT OF PUBLIC
HEALTH/OFFICE OF VITAL RECORDS**

Date: August 1, 2008
To: Karen Grube
From: Chapter Two Compliance Unit
Subject: **2008 OAL DETERMINATION NO. 16(S)**
(CTU2008-0626-01)
(Summary Disposition issued pursuant to
Gov. Code, sec. 11340.5; Cal. Code Regs.,
tit. 1, sec. 270(f))

Petition challenging as an underground
regulation Form VS-117 (06/08) "License
and Certificate of Marriage," issued by the
Department of Public Health, Office of Vital
Records

On June 26, 2008, you submitted a petition to the Of-
fice of Administrative Law (OAL) asking for a deter-
mination as to whether state form VS-117 (06/08) "Li-
cense and Certificate of Marriage," issued by the De-
partment of Public Health, Office of Vital Records,
constitutes an underground regulation. Form VS-117 is
a document used throughout California to apply for a
marriage license. A June 2008 revision to the form sub-
stituted the words "Party A" and "Party B" in locations
where the form previously used the words "Groom" and
"Bride," respectively.¹

In issuing a determination, OAL renders an opinion
only as to whether a challenged rule is a "regulation" as
defined in Government Code section 11342.600,²

¹ VS-117 appears to be the most widely used of five different mar-
riage license or marriage record forms. All five forms were re-
vised in June 2008 to substitute "Party A" and "Party B" for
"Groom" and "Bride."

² "Regulation" means every rule, regulation, order, or standard of
general application or the amendment, supplement, or revision of
any rule, regulation, order, or standard adopted by any state
agency to implement, interpret, or make specific the law enforced
or administered by it, or to govern its procedure.

which should have been, but was not adopted pursuant
to the Administrative Procedure Act (APA).³ Nothing
in this analysis evaluates the advisability or the wisdom
of the underlying action or enactment. OAL has neither
the legal authority nor the technical expertise to evalu-
ate the underlying policy issues involved in the subject
of this determination.

Generally, a rule which meets the definition of a "reg-
ulation" in Government Code section 11342.600 is re-
quired to be adopted pursuant to the APA. In some
cases, however, the Legislature has chosen to establish
exemptions from the requirements of the APA. Govern-
ment Code section 11340.9 subdivision (c) provides
that the requirements of the APA do not apply to a "form
prescribed by a state agency or any instructions relating
to the use of the form, but this provision is not a limita-
tion on any requirement that a regulation be adopted
pursuant to this chapter when one is needed to imple-
ment the law under which the form is issued."

This law creates an exemption from APA require-
ments for a form which consists only of existing statuto-
ry and regulatory requirements. If a form exceeds the
scope of existing statutory and regulatory requirements
and further interprets, implements or makes specific the
law enforced or administered by the agency, the con-
tents that exceed the scope of existing law would consti-
tute a regulation as defined in section 11342.600. *Stone-*
*ham v. Rushen*⁴ describes the forms exemption as appli-
cable to "operational" forms. A typical operational
form would contain blank fields for information that is
required by law to be provided; for example the name
and address of the owner on a vehicle registration form
(Vehicle Code section 4453). If a form requires data not
covered by applicable existing statutory or regulatory
requirements, that portion of the form would not be ex-
empt under the forms exemption and a rule requiring
the data would need to be adopted pursuant to the APA.

An additional exemption from the APA exists for
rules which embody the only legally tenable interpreta-
tion of the law. (Government Code section 11340.9,
subd. (f).) In its discussion of the "only legally tenable"

³ Such a rule is called an "underground regulation" as defined in
California Code of Regulations, title 1, section 250, subsection
(a):

"Underground regulation" means any guideline, criterion,
bulletin, manual, instruction, order, standard of general ap-
plication, or other rule, including a rule governing a state
agency procedure, that is a regulation as defined in section
11342.600 of the Government Code, but has not been
adopted as a regulation and filed with the Secretary of State
pursuant to the APA and is not subject to an express statutory
exemption from adoption pursuant to the APA.

⁴ *Stoneham v. Rushen* (1982) 137 Cal.App.3d 729, [188 Cal.Rptr.
130].

exemption in *Morning Star*,⁵ the California Supreme Court stated:

. . .the exception for the lone “legally tenable” reading of the law applies only in situations where the law “can reasonably be read only one way” (1989 Off. Admin. Law Determination No. 15, Cal. Reg. Notice Register 89, No. 44–Z, pp. 3122, 3124), such that the agency’s actions or decisions in applying the law are essentially rote, ministerial, or otherwise patently compelled by, or repetitive of, the statute’s plain language. (See Cal. Law Revision Com. com., 32D West’s Ann. Gov. Code (2005 ed.) foll. § 11340.9, p. 94; 1989 Off. Admin. Law Determination No. 15, Cal. Reg. Notice Register 89, No. 44–Z, pp. 3124–3131 [reviewing an agency interpretation of the law for compliance with the APA and concluding that although the agency had a “well-supported” rationale for its view, its was not the only legally tenable interpretation of the pertinent statute].)

State law requires parties to obtain a marriage license from a county clerk before entering a marriage. (Family Code section 350.) The marriage license form is prescribed by the state registrar pursuant to Family Code section 355 and Health and Safety Code section 103125.⁶ Health and Safety Code section 103175(a)(1) specifies that the form shall include the “personal data of each party married, including the date of birth, full given name at birth” and other data such as address, previous marriage, etc. Family Code section 355 requires the marriage license form to include an affidavit that the parties to the marriage must sign. Additional requirements for the marriage license form can be found in Family Code sections 350 (county clerk), 356 (expiration date), 357 (obligation to return the marriage license to the county clerk), and 359 (data concerning the person solemnizing the marriage and witnesses). Form VS–117 contains blank fields for data or signatures to be provided by the parties to the marriage, the person solemnizing the marriage, the witnesses to the marriage, or the county clerk.

We find that the fields on form VS–117 which contain blanks for data or signatures are all requirements im-

posed by existing law. As such, these requirements are exempt from the APA pursuant to the forms exemption.

The June 2008 revision to form VS–117 substituted the words “Party A” and “Party B” in place of the words “Groom” and “Bride” in various locations where the form requires signatures or data pertaining to the parties to the marriage. The terms “Groom” and “Bride” are commonly understood to refer specifically to a male and female, respectively: Webster’s Unabridged Dictionary (2nd Edition) defines “Groom”⁷ as a man just married or about to be married, and defines “Bride” as a woman just married or about to be married.

On May 15, 2008, the California Supreme Court issued the ruling of *In re Marriage Cases* (43 Cal.4th 757 [76 Cal.Rptr.3d 683]) (hereafter *In re Marriage*). *In re Marriage* invalidated provisions in the Family Code that limit marriage to unions between a man and a woman, finding that the privacy and due process provisions of the state Constitution guarantee the civil right of marriage to individuals without regard to their sexual orientation.⁸ The Court ordered the language “between a man and a woman” to be stricken from Family Code section 300, and ruled that remaining statutory language “must be understood as making the designation of marriage available both to opposite-sex and same-sex couples.” (*Ibid.*)

The Court further ordered that the “Plaintiffs are entitled to the issuance of a writ of mandate directing the appropriate state officials to take all actions necessary to effectuate our ruling in this case so as to ensure that county clerks and other local officials throughout the state, in performing their duty to enforce the marriage statutes in their jurisdictions, apply those provisions in a manner consistent with the decision of this court.” (*Ibid.*) The Court’s decision became effective on June 16, 2008 and represents current California law regarding the official family relationship of marriage.

Because “Groom” and “Bride” are commonly understood to refer specifically to a male and female, respectively, we find that the removal of the terms from form VS–117 and their replacement with “Party A” and “Party B” represents the only legally tenable interpreta-

⁷ According to Webster’s Dictionary, “groom” is a synonym for “bridegroom.”

⁸ It is well settled that the California Supreme Court is the final authority on interpretation of the state Constitution. (*Nogues v. Douglass* (1858) 7 Cal. 65, *Raven v. Deukmejian* (1990) 52 Cal.3d 336 [276 Cal.Rptr. 326], *Sands v. Morongo Unified School District* (1991) 53 Cal.3d 863 [281 Cal.Rptr. 34].)

⁵ *Morning Star Co. v. State Bd. of Equalization* (2006) 38 Cal.4th 324 [132 P.3d 249].

⁶ The Director of the Department of Public Health serves as the state registrar pursuant to Health and Safety Code section 102175 and section 131050 et seq.

tion of existing California law as set forth by the California Supreme Court in *In re Marriage*.

For the reasons discussed above, state form VS-117 and its June 2008 revisions do not constitute an underground regulation.⁹

The issuance of this summary disposition does not restrict your right to adjudicate the alleged violation of section 11340.5 of the Government Code.

/s/

Susan Lapsley
Director

/s/

Linda C. Brown
Deputy Director

Copy: Mark Horton

**ACCEPTANCE OF PETITION
TO REVIEW ALLEGED
UNDERGROUND REGULATIONS**

OFFICE OF ADMINISTRATIVE LAW

**ACCEPTANCE OF PETITION TO REVIEW
ALLEGED UNDERGROUND REGULATIONS**

**(Pursuant to title 1, section 270, of the
California Code of Regulations)**

DEPARTMENT OF MENTAL HEALTH

Agency being challenged:

The Office of Administrative Law has accepted the following petition for consideration. Please send your comments to:

⁹ The rule challenged by your petition is the proper subject of a summary disposition letter pursuant to title 1, section 270 of the California Code of Regulations. Subdivision (f) of section 270 provides:

(f)(1) If facts presented in the petition or obtained by OAL during its review pursuant to subsection (b) demonstrate to OAL that the rule challenged by the petition is not an underground regulation, OAL may issue a summary disposition letter stating that conclusion. A summary disposition letter may not be issued to conclude that a challenged rule is an underground regulation.

(2) Circumstances in which facts demonstrate that the rule challenged by the petition is not an underground regulation include, but are not limited to, the following:

. . . (E) **An express statutory exemption from the rule-making provisions of the APA is applicable to the challenged rule.** (Emphasis added.)

Kathleen Eddy, Senior Counsel
Office of Administrative Law
300 Capitol Mall, Ste. 1250
Sacramento, CA 95814

A copy of your comment must also be sent to the petitioner and the agency contact person.

Petitioner:

Jeff Griffin, Executive Director
Citizens Commission on Human Rights of Los Angeles
5055 1/2 Sunset Blvd.
Los Angeles, CA 90027

Agency contact:

Cynthia Rodriquez
Department of Mental Health
1600 9th Street
Sacramento, CA 95814

Please note the following timelines:

Publication of Petition in Notice Register: August 15, 2008

Deadline for Public Comment: September 15, 2008

Deadline for Agency Response: September 29, 2008

Deadline for Petitioner Rebuttal: No later than 15 days after receipt of the agency's response

Deadline for OAL Decision: December 15, 2008

CITIZENS COMMISSION ON HUMAN RIGHTS®
*Established in 1969 by the Church of Scientology® to
investigate and expose psychiatric violations of
human rights*

LOS ANGELES CHAPTER

Office of Administrative Law
300 Capitol Mall # 1250
Sacramento, CA 95814-4339

DATE: 22 May 2008

PETITION

- (1) FROM: Citizens Commission on Human Rights of Los Angeles
5055 1/2 Sunset Blvd
Los Angeles, CA 90027
Attn: Jeff Griffin, Executive Director

TELEPHONE: 323-663-2247

FAX: 323-667-0115

- (2) Agency alleged to have issued, used, enforce or attempted to enforce an underground regulation: California Department of Mental Health

- (3) "CALIFORNIA DEPARTMENT OF
MENTAL HEALTH SPECIAL

ORDER Section 300–299: Forensic
Special order Number: 339, Effective
Date: October 22, 2007

“Subject: **INVOLUNTARY
ADMINISTRATION OF
ANTIPSYCHOTIC MEDICATION
TO MENTALLY DISORDERED
OFFENDER INDIVIDUALS
(PENAL CODE 2962 AND 2972)
AND NOT GUILTY BY REASON
OF INSANITY INDIVIDUALS
(PENAL CODE 1026)”**

Attached is a copy of said document.

(4) Patients from several of the State Hospitals have reported to Citizens Commission on Human Rights the announcement that this Special Order is in place and have even reported to us that they have told that if “they refused to take the “meds” they would be extended” beyond their normal sentence time. Specifically, this has been reported from Napa State Hospital and Patton State Hospital.

(5) The language in, “Subject: Involuntary. . .” in (3) above lists the penal codes being referred to by the order. The next paragraph of the document attached is as follows,

“Special Order: The California Supreme Court Qawi Decision (32 Cal. 4th 1 (addressed the rights of individuals committed to a State Hospital as Mentally Disordered Offenders (MDO), under Sections 2954 and 2972 of the Penal Code, to refuse antipsychotic medication, but permitted the government to involuntarily administer antipsychotic medications to individuals, under specified circumstances. . . .”

(6) This issue, Special Order 339, may or may not be adjudicated to be legal by the OAL, however, it currently is illegal as the OAL was not asked to rule on the legality and constitutionality of said document, the very reason for which this Office was established. Thus this document, Special Order 229, is an underground regulation at best. As such, it violates California Government Code, Section 11340.5., which states as follows, “No State Agency shall issue, utilize, enforce, or attempt to enforce any guideline. . . which is a regulation as defined in Section 11342.600, unless the guideline, . . . or other rule has been adopted as a regulation and filed with the Secretary of State pursuant to this chapter.”

/s/
Jeff Griffin
Executive Director

**CALIFORNIA DEPARTMENT OF MENTAL
HEALTH**

SPECIAL ORDER

Section 300–399: Forensic

Special Order Number: 339 Effective Date: October
22, 2007

Replaces: New (Rescinds 336.01)

Subject: **INVOLUNTARY ADMINISTRATION OF
ANTIPSYCHOTIC MEDICATION TO
MENTALLY DISORDERED OFFENDER
INDIVIDUALS (PENAL CODE 2962 AND 2972)
AND NOT GUILTY BY REASON OF INSANITY
INDIVIDUALS (PENAL CODE 1026)**

Special Order: The California Supreme Court Qawi Decision (32 Cal.4th 1) addressed the rights of individuals committed to a State Hospital as Mentally Disordered Offenders (MDO), under Sections 2962 and 2972 of the Penal Code, to refuse antipsychotic medication, but permitted the government to involuntarily administer antipsychotic medications to individuals, under specified circumstances. At the same time, the Court, in the same decision, indicated that individuals committed to a State Hospital as Not Guilty by Reason of Insanity (NGI), under Section 1026 of the Penal Code, would be found to have the same rights regarding involuntary administration of antipsychotic medication.

Therefore, State Hospitals are directed to establish procedures and policies consistent with the California Supreme Court Qawi Decision, and Section 5300 of the Welfare and Institutions Code, for both MDO and NGI individual commitments.

This Special Order pertains to authority for the administration of antipsychotic medication only and does not include medication or treatment for physical health conditions of civilly committed individuals. Authority for the treatment of physical health conditions of a civilly committed individual will follow the procedures described within Section 3200 of Division 4 of the Probate Code.

Authority: By order of the Deputy Director, Long Term Care Services, consistent with the California Supreme Court Qawi Decision, Sections 2962 and 2972 of the Penal Code, Section 1026 of the Penal Code, and Sections 5300 and 5008(m) of the Welfare and Institutions Code.

Purpose: To provide the State Hospitals with uniform direction in the process of seeking authority for involuntary administration of antipsychotic medication for individuals committed to a State Hospital as MDO (Penal Code Sections 2962 and 2972), and for

individuals committed as NGI (Penal Code Section 1026), who refuse to give consent to take prescribed antipsychotic medication.

Method: It is the responsibility of all treating psychiatrists and physicians to provide individuals with the education and information they need as to the overall benefits and risks of taking prescribed antipsychotic medication. This education is focused not only on medication, but to encourage an individual's participation in all aspects of his/her treatment plan. If, after all attempts at education and encouragement, the individual refuses antipsychotic medication, the following procedures shall be followed.

Administration of Antipsychotic Medication to MDO and NGI Individuals in a Psychiatric Emergency:

As defined in Section 5008(m) of the Welfare and Institutions Code, the State Hospitals can legally prescribe antipsychotic medication to individuals under psychiatric emergency situations, including for the preservation of life or the prevention of serious bodily harm to the individual and/or others.

Existing policies and procedures for emergency administration, if consistent with the following principles, may be relied upon:

- An emergency situation is defined as when an individual is considered or becomes an imminent danger to self and/or others as a result of mental disease, defect, or disorder.
- Emergency medication administration is considered to be an emergency as long as, but only as long as, the psychiatric emergency continues to exist. Once the emergency is over medication should cease unless the individual voluntarily consents to treatment.
- It is not necessary for harm to take place or become unavoidable prior to the administration of antipsychotic medication or treatment.
- Antipsychotic medication shall be provided in the manner least restrictive to the personal liberty of the individual.

Interim Authority for Involuntary Medication for Purposes Such as Danger to Self and/or Others:

MDO and NGI individuals who are mentally ill and dangerous to self and/or others may be referred to a medical Antipsychotic Medication Review panel to determine the necessity for antipsychotic medication. The panel will consist of a presiding Psychiatrist, a second Psychiatrist, and a Clinical Psychologist. None of the

members of the Antipsychotic Medication Review panel are to be directly involved with the individual's treatment. A Social Worker or Nurse who will act as the individual's advocate and who will represent the individual's interests at the hearing, will explain the procedure and findings to the individual, and assist with a writ to State Court if the individual so desires. At least two (2) of the three (3) members of the panel must find that the individual meets criteria for involuntary antipsychotic medication, which may then be ordered for 14 days. At the end of the 14-day period, the panel will review the treatment outcome and may order continued treatment for up to 180 days. After 180 days a new hearing is required to consider the need for continued treatment.

Long Term Authority for Involuntary Medication for Non-Emergency Circumstances:

The Qawi decision indicates that MDO and NGI individuals can be compelled to be treated with psychotropic medication in non-emergency situations only if:

- The individual has been determined by a court to be incompetent, or,
- The MDO or NGI individual is determined by a court to be a danger to self and/or others within the meaning of Section 5300 of the Welfare and Institutions Code.

If an MDO or NGI individual has been referred to the Antipsychotic Medication Review panel for the interim administration of antipsychotic medication, the State Hospitals are concurrently directed to file a petition, along with a sample court order, with the court (see Attachments A and B). Copies of the petition are to be sent to the attorneys of record. The petition must be signed by the treating Psychiatrist and the Medical Director of the facility, attesting to the fact that the individual is either incompetent or the individual is a danger to self and/or others, and therefore requests the court for an order for involuntary medication.

A determination that an individual is incompetent to refuse medical treatment, or is a danger to self and/or others within the meaning of Section 5300 of the Welfare and Institutions Code, may be adjudicated at the time of which he or she is committed or recommitted as a MDO individual, or a NGI patient, or within the committing period.

For convenience and efficiency, when possible, the need for involuntary antipsychotic medication should be addressed to the court when commitment or recommitment or other court proceedings are already scheduled. However, referral to the Antipsychotic Medication Review Panel and the concurrent filing of a petition with the court should not be delayed to wait for

the next court proceedings to be held when this would result in risk of harm to the individual and/or others.

SIGNATURE ON FILE

CYNTHIA A. RADAVSKY, Deputy Director
Long Term Care Services
Department of Mental Health

October 22, 2007
Date

**SUMMARY OF REGULATORY
ACTIONS**

**REGULATIONS FILED WITH
SECRETARY OF STATE**

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

File# 2008-0624-01
AIR RESOURCES BOARD
Vapor Recovery Equipment Defects List

This action updates the list of defects in gasoline filling station vapor recovery equipment that are significant, removing listings that pertain to old equipment no longer approved for use, adding newly approved equipment and specifically identifying defects that pertain to stations using above ground storage tanks.

Title 17
California Code of Regulations
AMEND: 94006
Filed 08/06/2008
Effective 09/05/2008
Agency Contact: Alexa Malik (916) 322-4011

File# 2008-0620-04
BOARD OF EDUCATION
Child Nutrition Programs — Food and Beverage Requirements

This action adopts regulations that clarify nutrition standards for all food and beverages sold to pupils outside of federally reimbursable school meal programs during the school day.

Title 5
California Code of Regulations
ADOPT: 15575, 15576, 15577, 15578
Filed 08/04/2008
Effective 09/03/2008
Agency Contact: Debra Strain (916) 319-0860

File# 2008-0627-02
BOARD OF EQUALIZATION
Generator of Hazardous Waste

This is a change without regulatory effect correcting an erroneous internal cross-reference citation.

Title 18
California Code of Regulations
AMEND: 3000
Filed 08/05/2008
Effective 08/05/2008
Agency Contact: Rick Bennion (916) 445-2130

File# 2008-0625-01
BOARD OF PAROLE HEARINGS
Review of Proposed Decisions

This regulatory action establishes the process for the review of proposed decisions made at hearings for prisoners serving a sentence of life with the possibility of parole.

Title 15
California Code of Regulations
AMEND: 2041
Filed 08/04/2008
Effective 09/03/2008
Agency Contact: Devaney Sullivan (916) 322-6815

File# 2008-0725-02
BUSINESS, TRANSPORTATION AND HOUSING AGENCY
Farm Loans

This rulemaking establishes a master credit agreement as evidence of the credit agreement between the Business Transportation and Housing Agency and Financial Development Corporations for purposes of farm loans under the Small Business Loan Guarantee Program. The rulemaking makes a number of conforming and terminology changes to establish the master credit agreement. It raises the cap on loans to farm borrowers from three percent over the prime rate to four percent over the prime rate. It also repeals a regulation and all cross references to it which deal with a special reserve fund in the Small Business Loan Guarantee Program which has never been funded and for which there is no anticipation of funding.

Title 10
California Code of Regulations
AMEND: 5000, 5110, 5111, 5112, 5113, 5114,
5116, 5117 REPEAL: 5119
Filed 08/04/2008
Effective 08/04/2008
Agency Contact: Glenn Stober (916) 323-5400

File# 2008-0619-03
CALIFORNIA ARCHITECTS BOARD
Fees

The California Architects Board amends Title 16 of the California Code of Regulations, section 2649 to change fees for the landscape architect application and landscape architect licenses. Specifically, the California Architects Board changes the fee for: (1) Sections C & E of the examination from \$280 to \$290; (2) the California Supplemental Examination from \$55 to \$225 until July 1, 2009, and to \$275 as of July 1, 2009; (3) original licenses from \$300 to \$400 as of July 1, 2009; and (4) biennial license renewal from \$300 to \$400 as of July 1, 2009.

Title 16
California Code of Regulations
AMEND: 2649
Filed 07/30/2008
Effective 08/01/2008
Agency Contact: Ethan Mathes (916) 575-7233

File# 2008-0729-02
CALIFORNIA HORSE RACING BOARD
Classification of Drug Substances

This regulatory action revises the California Horse Racing Board (CHRB) Penalty Categories Listing by Classification by reclassifying the anabolic steroids boldenone, nandrolone, stanozolol, and testosterone from Class 4 substances to Class 3 substances and changing the penalty category of these steroids from Category D to Category B.

Title 4
California Code of Regulations
AMEND: 1843.2
Filed 08/04/2008
Effective 08/04/2008
Agency Contact: Harold Coburn (916) 263-6397

File# 2008-0702-03
DEPARTMENT OF CORRECTIONS AND REHABILITATION
Reorganization of Division 3, Subchapter 6, Parole

The Department of Corrections and Rehabilitation is reorganizing Div. 3, Subchapter 6, title 15, California Code of Regulations, entitled "Parole".

Title 15
California Code of Regulations
ADOPT: 3503, 3505, 3506, 3507, 3508, 3509, 3510, 3511, new Article 2 and title, 3520, 3521, 3521.1, 3521.2, 3521.3, 3521.4, 3521.5, 3521.6, 3522, 3523, 3524, 3525, 3526, 3527, new Article 3 and title, 3540, 3541, 3542, 3543, 3544, 3545, 3546, 3547, 3548, 3549, new Article 4 and title, 3560, 3561, 3562, 3563, 3564, new Article 5 and title, 3570, 3571, new Article 6 and title, 3580, 3581, 3582, new Article 7 and title, new Article 8 and title, new Article 9 and title, new Article 10 and title, new Article 12 and title, 3640, new Article 13 and title, 3650, 3651, 3652, 3652.1, 3653, 3654, new Article 14 and title, 3700, 3701, 3702, 3703, 3704, 3705, 3706, 3707, new Article 15 and title, 3720, 3721, 3721.1, 3722, 3723, new Article 16 untitled, 3730, new Article 17 and title, new Article 18 and title, 3750, 3751, 3752, 3753, 3754, 3755, 3756, new Article 19 and title, 3760, 3761, 3762, 3763, 3764, 3765, 3766, new Article 20 and title, 3770, 3771, and 3772.
AMEND: 3604, 3605, 3605.5, 3701.1, 3705, 3706, 3801, 3802, renumber old Article 2 with title, and 3815.
Filed 07/30/2008
Agency Contact: Randy Marshall (916) 341-7328

File# 2008-0711-02
DEPARTMENT OF CORRECTIONS AND REHABILITATION
Inmate Discipline

This rulemaking contains amendments to various inmate discipline regulations and includes new requirements regarding alcohol testing, definitions of a controlled substance and additional clarifying changes.

Title 15
California Code of Regulations
AMEND: 3000, 3005, 3006, 3008, 3009, 3011, 3012, 3013, 3015, 3016, 3290, 3310, 3313, 3314, 3315, 3317, 3318, 3320, 3323, 3327, 3328
Filed 08/04/2008
Effective 08/04/2008
Agency Contact:
Fernando Azevedo (916) 323-6156

File# 2008-0730-01
DEPARTMENT OF FOOD AND AGRICULTURE
False Codling Moth Eradication

This emergency regulation proclaims the entire state of California an eradication area against the false cod-

ling moth(*Thaumatotibia leucotreta*) and lists the hosts of the pest.

Title 3
California Code of Regulations
ADOPT: 3591.22
Filed 08/01/2008
Effective 08/01/2008
Agency Contact: Stephen Brown (916) 654-1017

File# 2008-0729-01
DEPARTMENT OF FOOD AND AGRICULTURE
Japanese Beetle Eradication Area

This emergency regulatory action adds the counties of Riverside and San Bernardino to the eradication area for Japanese Beetle.

Title 3
California Code of Regulations
AMEND: 3589(a)
Filed 08/01/2008
Effective 08/01/2008
Agency Contact: Stephen Brown (916) 654-1017

File# 2008-0620-03
DEPARTMENT OF INSURANCE
California Low Cost Automobile Insurance Program

These changes without regulatory effect update the information in the California Automobile Insurance Low Cost Program Plan of Operations, incorporated by reference into section 2498.6. This proposal updates Exhibit C, titled "Income Eligibility Guidelines," to indicate the change, from 2007 to 2008, in the federal poverty levels.

The 2008 federal poverty levels conform to the Annual Update of the Health and Human Services Poverty Guidelines published in the Federal Register by the U.S. Department of Health and Human Services. Exhibit C chart/table includes the maximum household income eligibility figures based on the program's statutory percentage of 250 percent of the federal poverty level. Ins. Code, sec. 11629.73(a).

Title 10
California Code of Regulations
AMEND: 2498.6
Filed 07/30/2008
Agency Contact: Bryant W. Henley (415) 538-4111

File# 2008-0620-06
OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD
Definition of Agricultural Tractor

The Occupational Safety and Health Standards Board (Board) amends Title 8, section 3649 to modify the definition of "agricultural tractor" to address trac-

tors with more than two axles and 4 drive wheels. Currently, the newer model agricultural tractors that are equipped with more than four drive wheels and/or more than two axles are excluded from the existing definition of and requirements for "agricultural tractor." The proposed amendment is consistent with 29 CFR section 1926.1002(j) which uses the same language as the proposed changes.

Title 8
California Code of Regulations
AMEND: 3649
Filed 08/04/2008
Effective 09/03/2008
Agency Contact: Marley Hart (916) 274-5721

File# 2008-0724-03
OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD
Replace Graphics

This change without regulatory effect replaces graphics in construction safety orders to improve the quality of the illustrations.

Title 8
California Code of Regulations
AMEND: Appendix C following section 560, Appendices A, B, and C following section 1938, and section 5001
Filed 08/04/2008
Agency Contact: Marley Hart (916) 274-5721

File# 2008-0620-07
OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD
Drinking Water In Construction

This amendment to section 1524 allows for further flexibility as to how employers provide the required amount of potable water to employees working on construction sites. Water may be supplied in a variety of ways, i.e., individual water bottles, reusable containers, fountains, refillable containers with disposable cups, etc.

Title 8
California Code of Regulations
AMEND: 1524
Filed 07/30/2008
Effective 08/29/2008
Agency Contact: Marley Hart (916) 274-5721

File# 2008-0725-03
OFFICE OF SPILL PREVENTION AND RESPONSE
Contingency Plans

This is the timely certification of compliance for amendments to the definitions in sections 815.05 and 825.05 of title 14, CCR, that continue to allow tank ves-

sels and non-tank vessels to enter into an agreement with an oil spill response organization for coverage in a small harbor with readiness assured through advance notification of the ship's intention to enter the harbor, and the amendment of the ship's identifying information that must be included in the contingency plans for tank and non-tank vessels.

Title 14

California Code of Regulations

AMEND: 815.05, 818.02, 825.05, 827.02

Filed 08/06/2008

Effective 09/05/2008

Agency Contact:

Joy D. Lavin-Jones (916) 327-0910

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN MARCH 5, 2008 TO
AUGUST 6, 2008**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 1

04/24/08 AMEND: Appendix A

Title 2

07/16/08 ADOPT: 18946.6
07/10/08 AMEND: 1859.76, 1859.83, 1859.104.3
07/10/08 AMEND: 1859.71
07/08/08 AMEND: 2271
06/26/08 AMEND: 554.2, 554.3
06/17/08 ADOPT: div. 8, ch. 112, sec. 59570
06/11/08 AMEND: 18360, 18361
06/11/08 ADOPT: 18421.7 AMEND: 18401
06/11/08 ADOPT: 18944.2 REPEAL: 18944.2
05/21/08 ADOPT: 59580
05/14/08 ADOPT: 18413
05/13/08 ADOPT: 59620
05/06/08 AMEND: 43000, 43001, 43002, 43003, 43004, 43005, 43006, 43007, 43008, 43009
04/30/08 AMEND: 1859.2, 1859.61, 1859.81, 1859.82, 1859.83, 1859.202, 1866, Form SAB 50-04 (Rev. 01/08)
04/29/08 ADOPT: 1859.190, 1859.191, 1859.192, 1859.193, 1859.193.1, 1859.194, 1859.195, 1859.196, 1859.197,

1859.198, 1859.199 AMEND: 1859.2, 1859.51, 1859.81, Form SAB 50-04 (Revised 01/08), Form SAB 50-05 (Revised 01/08), Form SAB 50-10 (Revised 01/08)

04/24/08 ADOPT: 1183.081, 1183.131, 1183.30, 1183.31, 1183.32 AMEND: 1181.1, 1181.2, 1181.3, 1183, 1183.01, 1183.04, 1183.08, 1183.11, 1183.13, 1183.14, 1183.3, 1188.3

04/10/08 AMEND: 1866, 1866.4.3, 1866.13, Form SAB 40-22 (Rev. 10/07)

04/09/08 AMEND: 18997

03/28/08 ADOPT: 59630

03/24/08 AMEND: 18735

03/19/08 AMEND: 55300

03/19/08 AMEND: 549.90

03/19/08 AMEND: 18200

Title 3

08/01/08 AMEND: 3589(a)

08/01/08 ADOPT: 3591.22

07/28/08 AMEND: 3434(b)

07/25/08 AMEND: 902.9

07/24/08 ADOPT: 3591.21

07/22/08 AMEND: 3417(b)

07/16/08 AMEND: 3700

07/16/08 AMEND: 3406

07/14/08 AMEND: 3963

07/11/08 AMEND: 3434(b)

07/09/08 AMEND: 3434(b)

06/30/08 AMEND: 3589(a)

06/24/08 AMEND: 3963

06/24/08 AMEND: 3060.3

06/23/08 AMEND: 3591.5(a)

06/17/08 AMEND: 2751

06/16/08 AMEND: 3434(b)

06/11/08 AMEND: 3434(b)

06/09/08 AMEND: 3700

06/04/08 AMEND: 3434(b)

05/23/08 AMEND: 3434(b)

05/23/08 AMEND: 1438.7, 1438.17

05/07/08 AMEND: 3434(b)

05/05/08 AMEND: 3406(b)

05/02/08 AMEND: 3417(b)

05/02/08 AMEND: 3434

04/30/08 AMEND: 3591.20

04/23/08 AMEND: 6550

04/21/08 AMEND: 3700

04/18/08 AMEND: 3434(b)

04/16/08 AMEND: 3434(b) & (c)

04/15/08 AMEND: 3433(b)

04/08/08 AMEND: 3434(b)

04/02/08 AMEND: 3433(b)

04/02/08	AMEND: 3433(b)	15485, 15486, 15487, 15488, 15489, 15490, 15493
04/01/08	ADOPT: 821, 821.1, 821.2, 821.3, 821.4, 821.5 REPEAL: 784, 784.1, 784.2, 800, 800.1, 801, 802	05/05/08 ADOPT: 11315.5 and 11315.6 AMEND: 11315
03/26/08	AMEND: 3434(b)	05/01/08 AMEND: 80440, 80443
03/21/08	AMEND: 3434(b)	04/21/08 ADOPT: 18134
03/19/08	AMEND: 6620	04/21/08 ADOPT: 18134
03/17/08	AMEND: 3434(b)	Title 7
03/17/08	AMEND: 3406(b)	06/10/08 ADOPT: 236.1
03/17/08	AMEND: 3700(c)	Title 8
03/13/08	AMEND: 6860	08/04/08 AMEND: 3649
03/12/08	AMEND: 3434(b)	08/04/08 AMEND: Appendix C following section 560, Appendices A, B, and C following section 1938, and section 5001
03/12/08	AMEND: 3406(b)	07/30/08 AMEND: 1524
03/05/08	AMEND: 3875	07/18/08 AMEND: 290.0, 290.1, 291.0, 291.1, 291.2, 291.5, 292.0, 294.0, 295.0, 296.0, 296.1, 296.2, 296.3, 296.4
Title 4		07/18/08 AMEND: 2500.7
08/04/08	AMEND: 1843.2	07/17/08 AMEND: 4885, 4924, 5004
07/14/08	AMEND: 8070, 8072, 8073	07/17/08 AMEND: 1604.24, 1604.26
07/10/08	AMEND: 1481, 1783, 1784	07/14/08 AMEND: Appendix B following 1541.1
06/24/08	ADOPT: 12335, 12340, 12357 AMEND: 12342, 12343, 12344, 12345, 12358, 12359	06/30/08 ADOPT: 4300.1 AMEND: 4297, 4300
05/23/08	ADOPT: 1843.3 AMEND: 1843.2	06/06/08 AMEND: 1710(k)(2)
05/01/08	AMEND: 1844	05/19/08 AMEND: 1529, 5208, 8358
04/08/08	AMEND: 1467	05/19/08 AMEND: 1710
03/24/08	AMEND: 10177, 10178, 10181, 10182, 10187, 10188, 10189	05/19/08 AMEND: 797, 1604.10, 1601.21, 1662
Title 5		05/05/08 ADOPT: 2340.2, 2340.5, 2340.8, 2340.10, 2340.12, 2340.14; Article 6, Sections 2360.1 through 2360.5; Sections 2375.7, 2375.25, 2380.1, 2390.10, 2390.20, Article 12, Sections 2400.1, 2400.2; Sections 2418.2, 2418.3, 2418.4, 2418.5, 2418.6, 2420.4, 2420.5, 2420.6, 2420.7, 2473.1, 2473.2, 2480.5, 2480.9, 2484.5, 2484.6; Article 48.1, Sections 2485.1, 2485.2; Sections 2505.2, 2510.8, 2522.20, 2530.120, 2530.121; Article 58.1, Section 2535.1; Sections 2540.11, 2540.11 Figure S-1, 2560.3; Article 74.1, Sections 2562.1 through 2562.7; Article 77.1, Sections 2566.1 through 2566.3; Article 77.2, Sections 2567.1 through 2567.3; Sections 2569.5, 2571.9, 2571.30; Article 83, Sections 2583.1 through 2583.8; Article 84, Sections 2584.1 through 2584.8; Article 85, Sections 2585.1 through 2585.3; Article 86, Sections 2586.1 through 2586.4; Article 87, Sections 2587.1 through 2587.5; Article 88, Sections 2588.1 through 2588.3; Article 89, Sections 2589.1 and 2589.2. AMEND: 2300,
08/04/08	ADOPT: 15575, 15576, 15577, 15578	
07/16/08	AMEND: 18272	
06/24/08	AMEND: 80021	
06/19/08	AMEND: 4600(l)	
06/13/08	ADOPT: 55185, 57017 AMEND: 55180, 57001.7, 58003.4, 58770, 58771, 58774	
06/10/08	AMEND: 30910, 30911, 30912, 30913, 30914, 30916	
06/10/08	AMEND: 30920, 30921, 30922, 30923, 30924, 30925, 30927	
06/09/08	ADOPT: 19828.3, 19837.2 AMEND: 19816, 19816.1, 19828.2, 19837.1, 19846	
05/28/08	ADOPT: 18085.5, 18086.1 AMEND: 18086, 18087, 18088, 18091, 18101, 18102, 18104	
05/21/08	ADOPT: 6105 AMEND: 6100, 6104	
05/13/08	AMEND: 15440, 15441, 15442, 15443, 15444, 15445, 15446, 15447, 15448, 15449, 15450, 15451, 15452, 15453, 15454, 15455, 15456, 15457, 15458, 15459, 15460, 15461, 15462, 15463, 15464, 15467, 15468, 15469, 15471, 15471.1, 15471.2, 15472, 15473, 15474, 15475, 15476, 15477, 15478, 15479, 15479.5, 15480, 15481, 15483, 15484,	

	2305.2, 2305.4, 2340.9, 2340.11, 2340.13, 2340.16, Table 2340.16, 2340.17, 2340.18, 2340.21, 2340.22; Article 5, Section 2350.2; Sections 2375.1, 2375.18, Table 2375.18, Sections 2375.19, 2390.1, 2390.24, 2390.41, 2390.81, 2395.3, 2395.5, 2395.6, 2395.23, 2395.25, 2395.32, 2395.42, 2395.44, 2395.45, 2395.57, 2395.58, 2405.1, 2405.2; Article 16, Sections 2420.3; Article 45; Sections 2480.6, 2480.7, 2484.24, 2500.7, 2500.8, 2500.9, 2500.10, 2500.11, 2500.23, 2505.10, 2505.11, 2510.4, 2510.5, 2510.6, 2510.7, 2510.56, 2510.58, 2522.2, 2530.4, 2530.102, 2530.103, 2530.104, 2530.107, 2530.112, 2533.1, 2534.6, 2534.8, 2540.1, 2540.2, 2540.3, 2540.4, 2560.2, 2561.1, 2561.3, 2561.31, 2561.32, 2563.23, 2563.33; Article 77, Section 2565.3; Sections 2568.8, 2568.15, 2569.1, 2569.6, 2569.7, 2569.20, 2569.51; Article 80, Sections 2571.1 and 2571.16. REPEAL: 2340.23, 2350.11, 2390.83, 2395.7, 2395.33, 2395.43, 2395.50, 2480.8, 2522.8 and 2561.50.	07/17/08 AMEND: 2498.6 07/10/08 REPEAL: 2191 07/10/08 AMEND: 2699.6611 07/07/08 ADOPT: 2699.6602, 2699.6604 AMEND: 2699.6603, 2699.6605, 2699.6607, 2699.6608, 2699.6611, 2699.6625 06/24/08 ADOPT: 2232.45.1, 2232.45.2, 2232.45.3, 2232.45.4, 2232.45.5 AMEND: 2536.2 06/16/08 AMEND: 2318.6, 2353.1 06/02/08 ADOPT: 10.190202 05/27/08 AMEND: 2249.2–2249.9, 2249.12, 2249.15 05/16/08 ADOPT: 2642.8, 2644.28 AMEND: 2642.6, 2642.7, 2644.2, 2644.3, 2644.6, 2644.7, 2644.8, 2644.12, 2644.16, 2644.17, 2644.19, 2644.20, 2644.21, 2644.23, 2644.25, 2644.27 04/30/08 AMEND: 2697.6, 2697.61 04/29/08 ADOPT: 10.19900, 10.19901 04/28/08 AMEND: 310.111 03/27/08 AMEND: 2699.6500, 2699.6805, 2699.6803 03/20/08 AMEND: 1950.314.8 03/18/08 AMEND: 2498.6 03/12/08 ADOPT: 2699.402 AMEND: 2699.100, 2699.205, 2699.6600, 2699.6607, 2699.6608, 2699.6613, 2699.6625, 2699.6629, 2699.6813 03/06/08 AMEND: 260.241, 260.241.2 REPEAL: 260.218.5, 260.241.1
04/11/08	AMEND: 7016(c)	
04/07/08	AMEND: 10116, 10116.1, 10117.1, 10118.1, 10119, 10120, 10121, 10136, 10137, 10225, 10225.1, 10225.2	
04/01/08	ADOPT: 3140, 3141, 3141.1, 3141.2, 3141.3, 3141.4, 3141.5, 3141.6, 3141.7, 3141.8, 3141.9, 3141.10, 3141.11, 3141.12, 3141.13, 3142, 3142.1, 3142.2, 3143, 3144, 3145, 3146 AMEND: 3000, 3001, 3009, 3094.2, 3120.6, 3137	
03/05/08	AMEND: 1504, 1597	
03/05/08	AMEND: 3228	
Title 9		
07/11/08	ADOPT: 1810.207.5, 1810.220.5 AMEND: 1830.220	
07/02/08	AMEND: 9515(d), 10522(b)	
03/06/08	AMEND: 10025, 10057, 10515, 10518, 10524, 10545, 10550, 10606, 11014, 11017, 11024, 13070	
Title 10		
08/04/08	AMEND: 5000, 5110, 5111, 5112, 5113, 5114, 5116, 5117 REPEAL: 5119	
07/30/08	AMEND: 2498.6	
07/24/08	AMEND: 2498.4.9	
07/23/08	AMEND: 2498.4.9	
07/23/08	AMEND: 2498.4.9	
07/21/08	ADOPT: 2330.1, 2330.3, 2330.4, 2330.5	
Title 11		
07/08/08	ADOPT: 30.14	
06/17/08	AMEND: 1005, 1007, 1008, 1080	
05/28/08	AMEND: 2000, 2001, 2010, 2020, 2030, 2037, 2038, 2050, 2051, 2052, 2053, 2060, 2070, 2071, 2072, 2140	
04/14/08	AMEND: 1081	
Title 13		
07/15/08	AMEND: 440.04	
06/16/08	ADOPT: 156.01	
06/16/08	AMEND: 1961, 1965	
06/10/08	AMEND: 2222	
06/02/08	AMEND: 1141	
05/16/08	ADOPT: 2449, 2449.1, 2449.2, 2449.3	
05/01/08	AMEND: 1	
04/28/08	AMEND: 120.00, 120.01, 120.02, 124.93, 124.95 REPEAL: 120.04	
04/10/08	AMEND: 1202.1, 1202.2, 1232	
04/07/08	AMEND: 2451, 2452, 2453, 2458, 2461	
03/07/08	AMEND: 345.02, 345.06, 345.21, 345.22	

Title 13,17

07/02/08 AMEND: 2299.1, 93118

Title 14

08/06/08 AMEND: 815.05, 818.02, 825.05, 827.02
 07/28/08 AMEND: 702
 07/23/08 AMEND: 7.50
 07/15/08 ADOPT: 4860
 07/08/08 ADOPT: 124.1 AMEND: 122, 125, 149.1, 150, 150.02, 150.03, 150.05, 163, 163.5, 164, 174, 180.3
 07/02/08 AMEND: 7.50
 07/01/08 AMEND: 27.80
 06/30/08 AMEND: 120.7
 06/23/08 AMEND: 18660.23, 18660.24, 18660.25, 18660.33, 18660.34
 06/20/08 AMEND: 360, 361, 362, 363, 364, 551, 708, 712
 06/18/08 ADOPT: 355
 06/16/08 AMEND: 10602, 10800
 05/15/08 AMEND: 353, 475
 05/09/08 AMEND: 27.20, 27.25, 27.30, 28.26, 28.27, 28.28, 28.29, 28.48, 28.49, 28.51, 28.52, 28.53, 28.54, 28.55, 28.56, 28.57, 28.58
 05/02/08 AMEND: 825.05
 04/28/08 ADOPT: 17987, 17987.1, 17987.2, 17987.3, 17987.4, 17987.5
 04/28/08 AMEND: 815.05
 04/25/08 AMEND: 17210.2, 17210.4, 17855.2, 17862, 17867
 04/07/08 AMEND: 228(b)(1)
 04/04/08 AMEND: 27.80
 03/26/08 AMEND: 630
 03/14/08 ADOPT: 13255.1 AMEND: 13055, 13111, 13169, 13255.0, 13255.1, 13255.2, 13576
 03/14/08 ADOPT: 5.79, 5.88, 29.16, 29.91 AMEND: 1.74, 5.80, 5.81, 5.87, 27.90, 27.91, 27.92, 29.15, 29.90, 701
 03/13/08 AMEND: 671
 03/10/08 ADOPT: 18218, 18218.1, 18218.2, 18218.3, 18218.4, 18218.5, 18218.6, 18218.7, 18218.8, 18218.9

Title 15

08/04/08 AMEND: 2041
 08/04/08 AMEND: 3000, 3005, 3006, 3008, 3009, 3011, 3012, 3013, 3015, 3016, 3290, 3310, 3313, 3314, 3315, 3317, 3318, 3320, 3323, 3327, 3328
 07/30/08 ADOPT: 3503, 3505, 3506, 3507, 3508, 3509, 3510, 3511, new Article 2 and title, 3520, 3521, 3521.1, 3521.2, 3521.3,

3521.4, 3521.5, 3521.6, 3522, 3523, 3524, 3525, 3526, 3527, new Article 3 and title, 3540, 3541, 3542, 3543, 3544, 3545, 3546, 3547, 3548, 3549, new Article 4 and title, 3560, 3561, 3562, 3563, 3564, new Article 5 and title, 3570, 3571, new Article 6 and title, 3580, 3581, 3582, new Article 7 and title, new Article 8 and title, new Article 9 and title, new Article 10 and title, new Article 12 and title, 3640, new Article 13 and title, 3650, 3651, 3652, 3652.1, 3653, 3654, new Article 14 and title, 3700, 3701, 3702, 3703, 3704, 3705, 3706, 3707, new Article 15 and title, 3720, 3721, 3721.1, 3722, 3723, new Article 16 untitled, 3730, new Article 17 and title, new Article 18 and title, 3750, 3751, 3752, 3753, 3754, 3755, 3756, new Article 19 and title, 3760, 3761, 3762, 3763, 3764, 3765, 3766, new Article 20 and title, 3770, 3771, and 3772. AMEND: 3604, 3605, 3605.5, 3701.1, 3705, 3706, 3801, 3802, renumber old Article 2 with title, and 3815.

07/17/08 ADOPT: 3134.1 AMEND: 3130, 3131, 3132, 3133, 3134, 3135, 3136, 3137, 3138, 3139, 3140, 3141, 3142, 3143, 3144, 3145, 3146, 3147

07/14/08 ADOPT: 1700, 1706, 1712, 1714, 1730, 1731, 1740, 1747, 1747.5, 1748, 1749, 1750, 1751, 1752, 1753, 1754, 1756, 1757, 1760, 1766, 1767, 1768, 1770, 1772, 1776, 1778, 1788, 1790, 1792

07/08/08 ADOPT: 3334 AMEND: 3000

06/23/08 ADOPT: 2275

06/04/08 AMEND: 3190, 3191

05/23/08 ADOPT: 1417 AMEND: 1029, 1206, 1248, 1357, 1358, 1461

04/18/08 AMEND: 3291, 3293

04/07/08 AMEND: 3173.2

03/27/08 ADOPT: 2536.1

03/18/08 ADOPT: 3269 AMEND: 3315

03/18/08 ADOPT: 3486 AMEND: 3482, 3484, 3485

03/06/08 ADOPT: 3355.2 AMEND: 3030, 3050, 3268.2, 3355, 3355.1

Title 16

07/30/08 AMEND: 2649

07/23/08 AMEND: 1399.152.2, 1399.153, 1399.153.3

07/18/08 AMEND: 134 REPEAL: 135

07/09/08 ADOPT: 1984

07/08/08	AMEND: 1399.540	35045, 35046, 35047, 35048, 35049,
07/03/08	AMEND: 1568	35050, 35051, 35052, 35053, 35054,
07/02/08	AMEND: 390, 390.1, 390.3, 390.4, 390.5, 390.6 REPEAL: 390.2	35055, 35056, 35057, 35061, 35065, 35066, 35067, 35070, 35072, 35076, 35078, 35080, 35081, 35082, 35083, 35085, 35087, 35089, 35091, 35093, 35095, 35096, 35097, 35099, 36000, 36100 REPEAL: 35023
06/30/08	ADOPT: 119.7	
06/26/08	AMEND: 109, 116	
06/17/08	ADOPT: 4580	
06/16/08	ADOPT: 4400, 4402, 4404, 4406, 4420, 4422, 4424, 4426, 4428, 4500, 4520, 4522, 4540, 4542, 4560, 4562	04/21/08 AMEND: 54355
06/11/08	REPEAL: 1399.664	04/21/08 AMEND: 93115.4, 93115.6, 93115.10
06/04/08	AMEND: 931	04/18/08 ADOPT: 93120, 93120.1, 93120.2, 93120.3, 93120.4, 93120.5, 93120.6, 93120.7, 93120.8, 93120.9, 93120.10, 93120.11, 93120.12
05/21/08	AMEND: 4141	
05/20/08	AMEND: 905	
05/19/08	ADOPT: 4440, 4442, 4443, 4444, 4446, 4448, 4450, 4452, 4470, 4472, 4474, 4476, 4478, 4480, 4482, 4484	04/11/08 ADOPT: 30333.05, 30333.07, 30333.3, 30335.1, 30335.2, 30335.3, 30335.4, 30335.5, 30335.6, 30335.10, 30336.1, 30336.5, 30336.6, 30336.7, 30336.8, 30338 AMEND: 30195.3, 30295, 30330, 30331, 30332, 30332.1, 30332.2, 30332.3, 30332.4, 30332.5, 30332.6, 30332.7, 30332.8, 30333, 30333.1, 30333.2, 30334, 30336, 30337 REPEAL: 30335
05/16/08	AMEND: 1399.696, 1399.697	
05/12/08	AMEND: 1399.523	
05/08/08	REPEAL: 3300	
05/07/08	ADOPT: 1364.32 AMEND: 1364.30	
05/02/08	AMEND: 1079.2	
04/29/08	AMEND: 1970, 1970.4(a), 1973(b)	
04/24/08	AMEND: 1387.3	
04/24/08	AMEND: 3000	04/03/08 AMEND: 6508
04/17/08	AMEND: 1399.660	04/02/08 AMEND: 93119
04/16/08	ADOPT: 973, 973.1, 973.2, 973.3, 973.4, 973.5, 973.6	04/02/08 AMEND: 93119
04/14/08	AMEND: 1380.1	03/17/08 ADOPT: 100700
04/10/08	AMEND: 4123	03/10/08 ADOPT: 30704, 30712, 30713 AMEND: 30700, 30701, 30702, 30703, 30710, 30711, 30714, 30720, 30721, 30722, 30723, 30730, 30735, 30736, 30740, 30741, 30750, 30751, 30752, 30753 REPEAL: 30715, 30724, 30734.1
04/01/08	AMEND: 1381.5, 1388, 1388.6, 1392	
03/26/08	AMEND: 3065	
03/24/08	AMEND: 974	
03/18/08	AMEND: 1399.651	
03/12/08	AMEND: 1435.2	
Title 17		Title 18
08/06/08	AMEND: 94006	08/05/08 AMEND: 3000
07/14/08	AMEND: 57310, 57332	07/16/08 AMEND: 5216, 5310, 5311, 5326.4, 5326.6, 5333, 5333.4, 5333.6, 5523.4
07/14/08	ADOPT: 100120	06/23/08 AMEND: 19503
07/08/08	AMEND: 95005	06/10/08 ADOPT: 2558, 2559, 2559.1, 2559.3, 2559.5
07/02/08	AMEND: 2299.1, 93118	06/04/08 AMEND: 23038(b)-2, 23038(b)-3
06/12/08	ADOPT: 94016, 94168 AMEND: 94010, 94011	04/29/08 AMEND: 25137(c)(1)(D)
05/30/08	AMEND: 100080, 100085, 100090, 100100	04/23/08 AMEND: 1620
04/30/08	ADOPT: 35004, 35005.1, 35031, 35088, 36050 AMEND: 35001, 35002, 35003, 35005, 35006, 35007, 35008, 35009, 35010, 35012, 35013, 35014, 35015, 35016, 35018, 35019, 35020, 35021, 35022, 35025, 35026, 35027, 35028, 35029, 35030, 35032, 35033, 35034, 35035, 35036, 35037, 35038, 35039, 35040, 35041, 35042, 35043, 35044,	04/10/08 AMEND: 1570
		Title 19
		06/06/08 AMEND: 200, 203, 204, 206, 207, 208, 209, 211, 212, 214, 215, 216, 217
		04/23/08 ADOPT: 2660 AMEND: 2720, 2723, 2724, 2725, 2726, 2728
		Title 20
		05/20/08 AMEND: 2323(a), 2323(b), 2323(c), 2323(d), 2323(e), 2323(f), 2325(a),

	2329(c), 2329(e), 2330(a), 2332(d), 2333(a), 2335(b)		66273.82, 66273.83, 66273.90, Appendix X to Chapter 11
04/15/08	ADOPT: 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, Appendix A	05/06/08	ADOPT: 72038, 72077.1, 72329.1 AMEND: 72077, 72329
Title 21		04/18/08	AMEND: 4410 REPEAL: 4410.5
06/30/08	ADOPT: 111, 112, 113, 114, 121, 131, 132, 133, 134, 135, 136, 141, 151, 152, 153	04/15/08	AMEND: 50960.2, 50960.4, 50960.6, 50960.9, 50960.12, 50960.15, 50960.21, 50960.23, 50960.26, 50960.29, 50960.32, 50960.34, 50960.36, 50962, 50963, 50964, 50965, 50966
Title 22		03/27/08	AMEND: 12705(b)
06/26/08	AMEND: 100140, 100141, 100163, 100172, 100174	03/18/08	AMEND: 12000
06/23/08	AMEND: 12805	Title 22, MPP	
06/17/08	ADOPT: 25000, 25102, 25103, 25104, 25201, 25203, 25204, 25301, 25302, 25303, 25304, 25305, 25306, 25401, 25403, 25405, 25501, 25502, 25503, 25504, 25505, 25601, 25701, 25703, 25705, 25707, 25709, 25711, 25713, 25721, 25801, 25803, 25805, 25821, 25900, 25901, 25902, 25903, 27000, 28001, 28002, 28003, 28004, 28006, 28007, 28008, 28009, 28010, 28011, 28012, 28013, 28014, 28015, 28016, 28017, 28018, 28019, 28020, 28021, 28022, 28023, 28024, 28025, 28026, 28027, 28028, 28029, 28030, 28031, 28032, 28033, 28034, 28035, 25036, 28037, 28038, 28039, 28040 REPEAL: 12000, 12102, 12103, 12104, 12201, 12203, 12204, 12301, 12302, 12303, 12304, 12305, 12306, 12401, 12403, 12405, 12501, 12502, 12503, 12504, 12505, 12601, 12701, 12703, 12705, 12707, 12709, 12711, 12713, 12721, 12801, 12803, 12805, 12821, 12900, 12901, 12902, 12903, 14000, 15001, 15002, 15003, 15004, 15006, 15007, 15008, 15009, 15010, 15011, 15012, 15013, 15014, 15015, 15016, 15017, 15018, 15019, 15020, 15021, 15022, 15023, 15024, 15025, 15026, 15027, 15028, 15029, 15030, 15031, 15032, 15033, 15034, 15035, 15036, 15037, 15038, 15039, 15040	07/09/08	ADOPT: 88054, 89318 AMEND: 80017, 83017, 83064, 83075, 84065, 84068.2, 84090, 84165, 84265, 86065, 86068.2, 86517, 88001, 88022, 88031, 88065.3, 88068.2, 88069.7, 89317, 89378, 89405
		07/09/08	ADOPT: 88054, 89318 AMEND: 80017, 83017, 83064, 83075, 84065, 84068.2, 84090, 84165, 84265, 86065, 86068.2, 86517, 88001, 88022, 88031, 88065.3, 88068.2, 88069.7, 89317, 89378, 89405
		06/30/08	AMEND: 63–300, 63–504, 63–505, 63–601
		03/05/08	AMEND: 87101, 87102, 87106, 87107, 87110, 87111, 87112, 87113, 87114, 87115, 87116, 87117, 87118, 87218, 87219, 87219.1, 87220, 87222, 87223, 87224, 87225, 87226, 87227, 87227.1, 87228, 87229, 87230, 87231, 87235, 87236, 87340, 87342, 87342.1, 87343, 87344, 87345, 87346, 87451, 87452, 87453, 87454, 87455, 87455.1, 87457, 87458, 87560, 87561, 87562, 87564, 87564.2, 87564.3, 87564.4, 87564.5, 87565, 87566, 87567, 87568, 87569, 87570, 87571, 87572, 87573, 87574, 87575, 87575.1, 87575.2, 87576, 87577, 87578, 87579, 87580, 87581, 87582, 87583, 87583.1, 87584, 87585, 87586, 87587, 87588, 87589, 87590, 87591, 87592, 87593, 87686, 87689, 87690, 87691, 87692, 87700, 87701, 87701.1, 87701.2, 87701.3, 87701.5, 87702, 87702.1, 87703, 87704, 87705, 87706, 87707, 87708, 87709, 87710, 87711, 87713, 87716, 87716.1, 87720, 87721, 87722, 87724, 87725, 87725.1, 87730, 87730.1, 87730.2, 87731, 87731.1, 87731.2, 87731.3, 87731.4, 87755, 87756, 87757, 87758, 87759, 87761,
05/08/08	ADOPT: 66260.201 AMEND: 66260.10, 66261.9, 66273.1, 66273.3, 66273.6, 66273.8, 66273.9, 66273.12, 66273.13, 66273.14, 66273.20, 66273.32, 66273.33, 66273.34, 66273.40, 66273.51, 66273.53, 66273.56,		

	87763, 87766, 87768, 87769, 87775, 87777, 87785, 87786, 87787, 87788, 87789, 87791, 87792, 87793 REPEAL: 87725.2		28017, 28018, 28019, 28020, 28021, 28022, 28023, 28024, 28025, 28026, 28027, 28028, 28029, 28030, 28031, 28032, 28033, 28034, 28035, 25036, 28037, 28038, 28039, 28040 REPEAL: 12000, 12102, 12103, 12104, 12201, 12203, 12204, 12301, 12302, 12303, 12304, 12305, 12306, 12401, 12403, 12405, 12501, 12502, 12503, 12504, 12505, 12601, 12701, 12703, 12705, 12707, 12709, 12711, 12713, 12721, 12801, 12803, 12805, 12821, 12900, 12901, 12902, 12903, 14000, 15001, 15002, 15003, 15004, 15006, 15007, 15008, 15009, 15010, 15011, 15012, 15013, 15014, 15015, 15016, 15017, 15018, 15019, 15020, 15021, 15022, 15023, 15024, 15025, 15026, 15027, 15028, 15029, 15030, 15031, 15032, 15033, 15034, 15035, 15036, 15037, 15038, 15039, 15040
Title 22, 27			
07/07/08	AMEND: Title 22, 67450.11; Title 27, Div. 3, subd. 1, Chapter 4C. and Chapter 6		
Title 23			
07/01/08	AMEND: 3935		
06/27/08	ADOPT: 3949.5		
06/26/08	ADOPT: 2918		
05/13/08	ADOPT: 3919.3		
05/12/08	AMEND: 3947		
05/12/08	AMEND: 3939.22		
03/10/08	ADOPT: 3919.2		
Title 25			
07/14/08	AMEND: 2002, 4004, 5002, 5511		
04/02/08	ADOPT: 7201, 7205, 7205.1, 7205.2, 7205.3, 7206, 7207, 7209, 7211, 7215, 7225, 7231 AMEND: 7200, 7202, 7204, 7206 (renumbered to 7209.5), 7208, 7210, 7212, 7218 (renumbered to 7217), 7220, 7222, 7224, 7226, 7228, 7230, 7232, 7234, 7239 (renumbered to 7201) REPEAL: 7214, 7216	03/21/08	AMEND: 15100, 15110, 15140, 15150, 15160, 15170, 15185, 15186, 15187, 15187.1, 15190, 15200, 15210, 15220, 15230, 15240, 15241, 15250, 15260, 15280, 15290, 15300, 15310, 15330, 15400.2, 15600
04/01/08	AMEND: 6932		
Title 27		Title MPP	
06/17/08	ADOPT: 25000, 25102, 25103, 25104, 25201, 25203, 25204, 25301, 25302, 25303, 25304, 25305, 25306, 25401, 25403, 25405, 25501, 25502, 25503, 25504, 25505, 25601, 25701, 25703, 25705, 25707, 25709, 25711, 25713, 25721, 25801, 25803, 25805, 25821, 25900, 25901, 25902, 25903, 27000, 28001, 28002, 28003, 28004, 28006, 28007, 28008, 28009, 28010, 28011, 28012, 28013, 28014, 28015, 28016,	06/30/08	AMEND: 63–300, 63–504, 63–505, 63–601
		06/30/08	AMEND: 42–721, 42–780, 44–303, 44–307, 44–318, 82–812
		06/26/08	ADOPT: 40–037, 70–101, 70–102, 70–103, 70–104, 70–105 AMEND: 30–755, 30–770, 40–105, 42–430, 42–431, 42–433, 42–711, 49–020, 49–030, 49–060, 63–403, 69–201, 69–202, 69–205
		06/04/08	AMEND: 63–301